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DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers:
 240.230 Proposed Action:
 Amendment
 240.870 Amendment
 240.1940 Amendment
 240.1950 Amendment

4) Statutory Authority: 20 ILCS 105/4.01(11) and 5.02

5) A Complete Description of the Subjects and Issues Involved: The purpose of the rulemaking is to amend the above cited rules to redefine a unit of adult day care service from a minimum of five direct client contact hours to one direct client contact hour provided to a client. The new definition will allow adult day care providers to bill by service hour, rather than by day. It will also increase accountability, make adult day care billings comparable to homemaker billings and clarify the costs of the service to clients'/clients' families.

6) Will this proposed rule replace an emergency rule currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
240.1010	Amendment	February 16, 1996 (20 Ill. Reg. 2627)
240.810	Amendment	April 5, 1996 (20 Ill. Reg. 5104)

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the *Illinois Register*, to:

Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, Illinois 62701-1789
 Attention: Adult Day Care Unit

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217/785-3346

The rule amendments will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Adult day care providers and Case Coordination Units will be affected by this rulemaking.

B) Reporting, bookkeeping or other procedures required for compliance: The adult day care providers will observe the billing procedure to bill by the hour, not by the day.

C) Types of professional skills necessary for compliance: Those professional skills presently practiced by adult day care and Case Coordination Unit staff.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The revised adult day care service unit discussion, with provider review and input, was not completed in time to be addressed in the most recent Regulatory Agenda.

The full text of the Proposed Amendments begins on the next page:

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240.130	Maintenance of Effort
240.140	Program Limitations
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240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
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 240.1920 Contract Specific Variations
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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992;

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emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; for emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

SUBPART B: SERVICE DEFINITIONS

Section 240.230 Adult Day Care Service

Adult Day Care service is the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention; and promoting social, physical and emotional well-being in a structured setting.

a) Required Service Components

- 1) Provide/arrange for transportation, with at least one vehicle handicapped accessible, to enable clients to attend the adult day care center and participate in sponsored outings.
- 2) Development of a written individualized adult day care plan of care which establishes specific goals and service components to be addressed and provided in the adult day care setting. The individualized plan of care is to be established within the fourth (4th) week of service by the adult day care team consisting of Program Coordinator/Director, Program Nurse, and may include other staff at the option of the Program Coordinator/Director. The individualized plan of care will address the needs identified by the Case Coordination Unit (CCU) and established in the Client Agreement - Plan of Care prepared by the CCU and approved by the client's Physician/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730. The client/authorized representative/family member will be consulted and advised of the establishment of the individualized plan of care. Activities specified, which have been delineated in this Section as service components, will be included in the individualized plan of care. The individualized plan of care may be modified to reflect any change in the

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- client's condition.
- 3) Nursing services, provided by the Program Nurse, including evaluation of the client's needs, routine health monitoring and supervision/administration of medication(s).
 - 4) Assistance as needed with activities of daily living (e.g., walking, eating, toileting and personal care).
 - 5) A daily meal meeting one-third (1/3) of the adult "Recommended Daily Dietary Allowances" as established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, 9th Rev., 1980. Supplementary nutritious snacks shall also be provided. Special diets shall be provided as directed by the client's physician.
 - 6) An activity program including: reality orientation (activities designed to promote the client's awareness of time, space, objects and persons); resocialization and stimulation (activities to encourage and assist clients to interact with staff and other clients); and supportive counseling (active listening, attention to expressed client's needs and suggestions, and guidance to promote interactions with others).
 - 7) Rest periods when needed or prescribed.
 - 8) Maintenance of the client's individual case record in adult day care files as required by Sections 240.340 and 240.1520.
- b) Optional Service Components
- 1) Rehabilitative services, including physical therapy, occupational therapy, speech and hearing therapy. Personnel qualified to provide these services are adult day care staff who are licensed professionals. These services are to be provided under written direction, instruction or order of the client's physician. Each treatment and monthly progress notes must be recorded.
 - 2) Skilled nursing services, including catheter installation, irrigations and care, dressings, enemas, oxygen therapy, suction/posturing, ostomy care and restorative nursing such as bladder retraining. (All above procedures/interventions require physician orders and shall be performed by a Registered Nurse.)
 - 3) Shopping assistance.
 - 4) Escort to medical and social services.
- AGENCY NOTE: Reimbursement for costs of optional services is not included in the unit rate paid by the Department and will not be paid by the Department.
- c) Unit of Service
- 1) One unit of adult day care service is defined, at a minimum, as one five (5) direct client contact hour hours (excluding transportation time) provided to client. A direct client contact hour is defined as 60 consecutive minutes of active programming, i.e., providing one or a combination of the service components listed in subsections (a)(3) through (7) and/or (b). The Community Care Program will not reimburse for more than one (1) unit of adult day care service in a twenty-four (24) hour period.

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- 2) One unit of documented adult day care transportation, provided by the adult day care provider vendor, is defined as a one-way trip per client to or from the adult day care site and the client's home. No more than two units of transportation shall be provided per client in a twenty-four (24) hour period, and shall not include trips to a physician, shopping, or other miscellaneous trips.
- 3) For services (including transportation, if specified in the plan of care) which the provider vendor was unable to provide due to the client's absence without prior notification (see Section 240.350), the provider shall be reimbursed as follows: one-half (1/2) unit of documented adult day care service per occurrence based upon the vendor's contractual rate structure, will be reimbursed to the vendor to a maximum of one (1) unit per client per State fiscal year.
- A) Two and one half units of documented adult day care service per occurrence to a maximum of five units per client per State fiscal year.
- B) One unit of documented adult day care transportation, provided by the adult day care provider, per occurrence to a maximum of two units per client per State fiscal year.
- 4) Those adult day care contract specific entities who, upon adoption of rule, have retained the adult day care unit rate structure which has transportation as a component of the adult day care service, will retain this service and rate structure.
- 4.5) Refer to Section 240.1950.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.870 Determination of Applicant/Client Monthly Expense for Care

The amount of the expense which will be incurred monthly for Community Care Program (CCP) services by the eligible applicant/client shall be determined in the following manner:

- a) Calculate available income by:
- determining applicant/client/family total monthly non-exempt income, and
 - deducting the protected income, which is based upon the effective federal poverty level and the number of persons in the family.
- b) Determine the applicant's/client's monthly cost for care by multiplying the units of service(s) provided each month to the applicant/client by the following client fixed fee share rates:
- Homemaker -- \$5.30 per unit
Adult Day Care -- \$3.50 \$10-\$50 per unit
- c) Select the appropriate CCP Fee Schedule, based upon:

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- the number of persons in the family who are receiving CCP services; and
 - a score of 56 or fewer total points or a score of 57 or more total points on the Determination of Need.
- If two or more members of a family are receiving CCP services, the selection of the appropriate Fee Schedule will be based upon the highest point count scored.
- d) Use the available income and the applicant's/client's monthly cost for care with the appropriate Fee Schedule to determine the amount of applicant/client expense which will be incurred monthly for CCP services.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART S: VENDOR RATES

Section 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation

a) The Department will establish fixed unit rates of reimbursement for adult day care and transportation service as defined in Section 240.230. The fixed unit rates of reimbursement will be published in the official State newspaper.

b) The above cited fixed unit rate for adult day care and transportation services does not apply to those adult day care contract specific entities who, before or upon adoption of rule, have retained the adult day care unit rate structure which has transportation as a component of the adult day care service. These contract specific entities and this single adult day care rate structure will be authorized by the Department for the above cited entities only. The maximum unit rate will be published in the official State newspaper.

c) Those entities cited in subsection (b) above may, at any time during the contract period, request an amendment to adopt the rate structure cited in subsection (a) above. At no time may an adult day care contractor who has, either by amendment or request for proposal, adopted the rate structure in subsection (a) above, revert to the single adult day care rate structure.

d) Upon adoption of rule, all applicants for an adult day care contract with the exception of contract specific entities cited in subsection (b) above, must apply under the fixed unit rate structure as cited in subsection (a) above.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 240.1950 Adult Day Care Fixed Unit Reimbursement Rates

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NOTICE OF PROPOSED AMENDMENTS

Adult day care providers ~~vendors~~ under contract with the Department shall be uniformly reimbursed for the provision of adult day care service at the rates established by the Department. The reimbursable units of adult day care services shall be as follows:

- a) One unit of adult day care service is defined in Section 240.230(c)(1) as one ~~a minimum of five~~ direct client contact ~~hour~~ hours (excluding transportation time) provided to a client.

~~1) The Community Care Program will not reimburse for more than one unit of adult day care service in a twenty-four hour period.~~

~~2) The rate will reflect a rate differential based upon the following:~~

~~A) For each adult day care client receiving a determination of Need (BON) score on Part A7 level of impairment, of twenty-four (24) or less points, or~~

~~B) For each difficult to serve adult day care client receiving a BON score on Part A7 level of impairment, of twenty-five (25) or more points.~~

- b) One unit of documented adult day care transportation provided by the adult day care provider ~~vendor~~ is defined in Section 240.230(c)(2) as a one-way trip per client to or from the adult day care site and the client's home.

1) No more than two (2) units of transportation shall be provided per client in a ~~twenty-four~~ (24) hour period.

2) A unit of transportation shall not include transportation on outings, trips to physicians, shopping or other miscellaneous trips.

~~c) For the adult day care contract specific entities as cited in Section 240.1940(b) the single rate structure will apply to all service components described in Section 240.230 with no rate differential for the determination of Need score or transportation as described in subsections (a) (2) (A) (B) and (b) above.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Meat and Poultry Inspection Act

- 2) Code Citation: 8 Ill. Adm. Code 125

- 3) Section Numbers: Proposed Action:
125.80 Amendment
125.300 Amendment

- 4) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

- 5) A Complete Description of the Subjects and Issues Involved: In Section 125.80, the Department is proposing an increase in the overtime/holiday rate for meat and poultry inspection. The present charges have been in effect since March 1989. The proposed rate increase is still less than the current hourly rate charged by the United States Department of Agriculture (USDA) which is \$31.80 for performing the same service to a licensee for overtime/holiday meat and poultry inspection. Since the licensee must request that the Department provide overtime/holiday meat and poultry inspection, any expense for overtime or holidays is at the option of the establishment. In Section 125.300, the charge for special services is being increased and is also less than the USDA rates.

The procedure for requesting overtime/holiday inspection services from the Department is clarified in Section 125.80.

- 6) Will this proposed rule replace an emergency rule in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713 or FAX: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Processors and/or slaughterers of meat and/or poultry.
- B) Reporting, bookkeeping or other procedures required for compliance: Payment of the charges incurred for overtime, holiday and special inspection services performed by Department employees.
- C) Types of professional skills necessary for compliance: Basic management and bookkeeping skills.

13) Regulatory agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
 POULTRY INSPECTION

Section	
125.10	Definitions
125.10	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

- Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [25 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1986; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

- 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 19, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 19, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14775, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14996, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section 125.80 Schedule of Operations; Overtime

- a) The Department incorporates by reference 9 CFR 307.4(a), 307.4(d), and 381.37(a) and (d) (1990). References to 9 CFR 307.6(b) and 381.39(b) in the incorporated language shall be interpreted according to to-mean as-set-forth-in this Section.
- b) The basic workweek and workday shall be those days and hours as on file and approved by the Department of Central Management Services in accordance with the Personnel Code ~~4111-Rev-Stat-1989-CH-1277~~ ~~par-63101-et-seq~~ [20 ILCS 415] and the rules for that Act (80 Ill. Adm. Code 303.300). The work schedule of the licensee ~~official establishment~~ and any requests for changes in the work schedule shall be submitted in writing by the licensee to the regional administrator ~~supervisor~~. A grant of overtime shall be at the sole discretion of the Department and shall be based on inspector availability, efficacious and efficient use of resources and budget considerations. However, minor deviations (one hour or less) from the daily operating schedule shall be approved by the inspector and the regional administrator if the request is received by the regional office on the day before the change is to occur and the change is only for that particular day.

- c) For inspection services rendered on a holiday or any day or workday at times other than the hours set forth in the approved work schedule, the rate shall be \$25.00 per hour or any fraction of an hour. Overtime charges for inspection services rendered shall be as follows:
- 1) For inspection on a Saturday, Sunday or on a workday at times other than the hours as set forth in the approved work schedule, the rate shall be \$15.00 per hour or any fraction of an hour.
 - 2) For inspection on holidays, the rate shall be \$10.00 per hour or any fraction of an hour.
- d) The overtime charge shall be for the actual time the inspector is performing the inspection service and associated travel. Travel expenses and the minimum overtime that will be billed are as follows:

- 1) When an inspector has departed the official establishment after the completion of his/her regular workday and is recalled to perform inspection service, the minimum overtime that will be charged shall be two hours.
- 2) For inspection service rendered on Saturday, Sunday or on a holiday, the minimum overtime that will be charged is two hours.
- 3) When an inspector is required to return to the establishment

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

after the completion of his/her regular work day or on a Saturday, Sunday or holiday, the official establishment will be billed for mileage charged by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800) in addition to the overtime charged.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: MEAT INSPECTION

Section 125.300 Special Services Relating to Meat and Other Products

- a) The Department incorporates by reference 9 CFR 350.1 through 350.3(a), 350.3(c), 350.5 through 350.7(a) and 350.7(d) (1990).
- b) The charges for special services shall be paid by check, draft or money order payable to the Illinois Department of Agriculture upon furnishing to the person who requested the service a statement as to the amount due. The fee for rendering these services shall be at the rate of \$25 \$15 per hour, except for services rendered on a holiday which shall be \$30. The person who requested the special service shall also be billed for travel expenses incurred by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE(S)

1) Heading of the Part: Advertising in Department Publications

2) Code Citation: 17 Ill. Adm. Code 2650

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2650.10	New Section
2650.20	New Section
2650.30	New Section
2650.40	New Section

4) Statutory Authority: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].

5) A Complete Description of the Subjects and Issues Involved: This Part sets forth the rules and regulations concerning what types of advertising the Department will accept, approvals needed, materials required, and ad sizes.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
(217) 782-1809

12) Initial Regulatory Flexibility Analysis: Does not regulate businesses, municipalities or not for profit corporations.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: At the time the last regulatory agenda was submitted the Department did not anticipate proposing rules on advertising.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE(S)

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE(S)

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2650

ADVERTISING IN DEPARTMENT PUBLICATIONS

Section

2650.10 Definitions

2650.20 General Regulations

2650.30 Outdoor Illinois

2650.40 Other Department Publications

AUTHORITY: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 2650.10 Definitions

"Department" - means Department of Natural Resources.

"Prohibited Advertising" - is defined as advertisements for political parties or candidates, personal notices, real estate sales, alcoholic beverages, tobacco products, smoking devices or advertisements which are not wholly consistent with and supporting of Department goals, objectives and programs.

"Publisher" - means the Director of the Department of Natural Resources or his designee.

"Selling of Advertising" - is defined as the sale or exchange of space within Department publications or time on electronic programs to an outside entity.

Section 2650.20 General Regulations

a) Advertisements are accepted upon the representation that advertisers and their agencies have the right to publish the contents thereof. In consideration of such publications, advertisers and their agencies agree to indemnify and hold the publisher and the Department harmless against any expense or loss by reason of claims arising out of publication.

b) All advertisements are subject to publisher's approval. Prohibited advertisements will be rejected. The amount of advertising is limited, and availability of space or special position shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE(S)

dependant upon lay-out and the number of submitted advertisements.
 c) Advertisements rejected shall be returned to the advertiser, with an explanation of the reason for rejection.
 d) Publisher reserves the right to insert the word "Advertisement" above or below the copy.

Section 2650.30 Outdoor Illinois

a) Advertisers must reserve advertising space by the 20th (or next working day) of the month three months prior to publication. Camera-ready copy must be delivered to publisher not more than one month later.

b) Payment for advertising space must accompany the reservation. Advertisers rejected due to lack of space will have their money refunded. Space shall be allocated on a first-come, first-served basis.

c) Copy materials required:

1) Black and white: film negative, right-reading, emulsion side down, 150-line screen. White proof required.

2) Four-color: film separations, right-reading, emulsion side down, in register and prepared to publication size of contracted space, 150-line screen. Match print or chromaline proof required.

d) Available ad sizes

1) Run of Press

full page (7.5" x 9.5")

half page (7.5" x 4")

quarter page (4 5/8" x 4")

eighth page (2 1/8" x 4")

For preferred positioning, add 10%. Preferred positioning on first-come, first-served basis.

2) Rates shall be as published in Outdoor Illinois. Advertising rates for Outdoor Illinois may also be obtained by written request to:

Outdoor Illinois

Department of Natural Resources

524 S. Second Street

Springfield, IL 62701-1787

3) Inside back cover (color only).

4) Discount. Advertisers who contract for the same advertisement for three or more consecutive insertions shall receive a 10% discount.

5) Cancellations will not be accepted after the last date for reservations, nor will changes to advertisement be accepted less than 2 months prior to publication.

Section 2650.40 Other Department Publications

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE(S)

Advertising in other Department publications, on licenses or permits, or via electronic media shall be by contract after public notice and sealed bid.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Adm. Code 1220

3) Section Numbers:

1220.110

Proposed Action:

Amendment

1220.120

Amendment

1220.130

Amendment

1220.155

Amendment

1220.231

Amendment

1220.240

Amendment

1220.310

Amendment

1220.405

New Section

1220.Appendix C

Amendment

4) Statutory Authority: Implementing Sections 8, 10, 11, 13 and 18 of the Illinois Dental Practice Act [225 ILCS 25/8, 10, 11, 13 and 18].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking contains updates to conform with the 1995 sunset rewrite of the Illinois Dental Practice Act.

Section 1220.110(d) is amended to allow an applicant who has graduated from a dental school or college outside the United States or Canada to sit for the preclinical examination if he/she is in the last 45 days of the required two years of clinical training. This puts Illinois in line with national standards.

Section 1220.120 is updated to make it consistent with the current content of the clinical examination.

Sections 1220.130(b)(2) and 1220.231(b)(1)(B) are amended to clarify examination retake and remedial dental education requirements for candidates who fail various examination exercises a second time.

Section 1220.155 is revised to conform to language in Section 11 of the Act, which changed references from "temporary teaching license" to "restricted faculty license".

Section 1220.240(b)(3)(D), pertaining to dental hygienists who are trained to monitor nitrous oxide, makes the hygienist responsible for submitting certification to the dentist that the required 12-hour course relative to nitrous oxide analgesia has been completed.

Section 1220.310(d) was amended to correct an oversight in a previous rulemaking by adding new language stating requirements for applicants who completed periodontic specialty training prior to July 1, 1994. The previous rulemaking listed requirements for periodontic specialty programs

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

after July 1, 1994.

A new Section, 1220.405, was added to require the reporting of adverse occurrences by dentists. The new language establishes reporting requirements when death or injury results from a dental procedure.

Appendix C was amended to add a procedure permitted to be performed by dental hygienists. Dental hygienists will be permitted to utilize chemotherapeutic modalities subgingival under the direction/supervision of a dentist. Numerous style and grammar changes also were made.

- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jean A. Courtney
Department of Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dental services.

B) Reporting, bookkeeping or other procedures required for compliance: Dentists will be required to report to the Department of Professional Regulation any adverse occurrences, such as injury or death, that result from dental procedures performed on patients.

C) Types of professional skills necessary for compliance: Dental skills are required for licensure.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses <u>Temporary-Teaching-license</u>
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	<u>Renewal</u> <u>Renewal</u>

SUBPART D: GENERAL

Section

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1220.400	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.510	Light Parenteral Conscious Sedation
1220.520	General Anesthesia and Deep Parenteral Conscious Sedation
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences
1220.560	Restoration of Permits

APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B	Dental Assistant Permitted Procedures
APPENDIX C	Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: DENTIST

Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada, shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- a) A complete work history indicating all employment since graduation from dental school;
- b) Certification of graduation from a dental college or school;
- c) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school; and
- d) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. An applicant who is in the last 45 days of the clinical training at the school shall be allowed to sit for the preclinical examination upon notification to the Department from the dean of the college that the applicant only has 45 days left in the program and the school anticipates that the applicant will finish the clinical training. Two years of clinical training shall be:

- 1) 2850 clock hours completed in 2 academic years for full-time;
- 2) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time; or

- e) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;
- f) The required fee set forth in Section 21(a)(2) of the Act; and
- g) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1220.120 Clinical Examinations

- a) The examination conducted by the Department for dental licensure shall

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be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the Theoretical examination given by the Joint Commission on National Dental Examinations before taking the Preclinical and Clinical Sections of the examination and shall have passed the Preclinical Section of the examination before taking the Clinical Sections.

- 1) Preclinical Examination - In order to be successful, a score of at least 75 is required.
- 2) Clinical Examination - Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time, applicants will be required to take the current examination administered by the Department. In order to be successful, a score of at least 75 is required in each of the following parts:

- A) Restorative Amalgam
- B) Restorative Castings
- C) Prosthetics
- D) Periodontics
- E) Comprehensive Treatment Planning (CTP)
- F) Diagnosis, Oral Medicine and Radiology (DOR)
- G) Periodontal Simulated Examination (PSE)

- 3) Clinical Examination - Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below. In order to be successful, a score of at least 75 is required in each of the following parts:

- A) Restorative Exercises
 - i) Class II Amalgam Section
 - ii) Class III or IV Composite Resin Section
- B) Periodontal Exercise
 - i) Diagnosis, Treatment Planning, Charting Section
 - ii) Scaling, Polishing, Pocket Probing Section
- C) Manikin Exercise
 - i) Endodontic Section
 - ii) Three Unit Fixed Partial Denture Sections: abutment preparations and provisional partial denture
- D) Written Simulated Clinical Exercise
 - i) Diagnosis, Oral Medicine and Radiology (DOR) Section
 - ii) Comprehensive Treatment Planning (CTP) Section
 - iii) Periodontal Simulated Examination (PSE) Section
 - iv) Simulated Clinical Prosthetics (SCP) Section

- 4) Clinical Examination - Beginning in 1995, all applicants for examination will be required to take and pass the clinical examination set forth below:

- A) Part-I---Case-Based Written Simulated Clinical Exercise
Simulations

- i) Diagnosis, Oral Medicine, Radiology

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- ii) Comprehensive Treatment Planning
- iii) Periodontal, Prosthodontics and Medical Considerations

Diagnosis-Examinationiv) Prosthodontic-Diagnosis-ExaminationB) Manipin Exercise

- i) Fixed Partial Prosthodontics
- ii) Endodontic Treatment

C) Part-ii--Restorative Exercise Examination

- i) Class II Silver Amalgam
- ii) Class III/IV Composite

E) Part-iii--Simulated-Clinical-Examinationiv) Case-Preparations---3-Unit-Bridgeiv) Endodontic-Treatment

- D) Periodontal Exercise Examination - Clinical Treatment

- b) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:

- 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75;
 - 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years;
 - 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure; or
 - 4) The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination.
- c) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1220.130 System of Retaking the Clinical Sections of the Examination

- a) The following exam retake requirements ~~will~~ apply to an applicant who took the clinical examination prior to April 1994 and was unsuccessful on any part of the examination:

- 1) First Failure

- A) Except as provided in subsection (a)(2) below, on the second examination attempt, an applicant shall be required to take only those Sections of the clinical examination in which he/she did not achieve a score of at least 75.

- B) An applicant who fails three or more Sections of the clinical examination during a single setting will be required to complete the remedial education requirements set

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forth in subsection (a)(2) below.

- 2) Second Failure

- A) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:

- i) Applicants who have two failures in the Comprehensive Treatment Planning (CMP) Section, the Diagnosis, Oral Medicine and Radiology (DOR) Section or the Periodontal Simulated Exam (PSE) Section of the examination are required to take 20 clock hours of additional training in the subject area of each Section failed either through instruction in a university with an approved dental curriculum or by participation in a general dentistry residency or advanced general dentistry education program. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the residency/education.

- ii) Applicants who have two failures in either the Restorative Amalgam, Restorative Casting, Prosthodontics or Periodontics Clinical Section of the examination are required to take 20 clock hours of additional clinical training, in the subject area of each Section failed either through instruction at a university with an approved dental curriculum or by participation in a general dentistry residency or advanced general dentistry education program in a licensed hospital. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the program/residency.

- B) At the third examination, an applicant will be required to take only those Sections he/she failed on the second attempt.

- 3) Third Failure

- A) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of one of the following:

- i) ~~An Complete-an~~ additional semester of training in an approved curriculum in dentistry at a university;
- ii) Full-time participation in a general dentistry residency or an advanced general dentistry program for not less than one academic year in a licensed hospital.

- B) At the fourth examination, an applicant will be required to take and pass all Sections of the clinical examination.

- b) The following exam retake requirements shall be in effect for individuals taking the clinical examination (Department Clinical, CORE, NERB, or CRTS) after April 1994:

- 1) An individual sitting for the examination the first time who fails the examination shall be subject to the following:

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- A) When one exercise is failed that exercise must be repeated.
 B) When two or more exercises are failed, the entire examination (four exercises) must be retaken.
- 2) A candidate who fails one or more patient based exercise(s) (such as Restorative Exercise and Periodontal Exercise) for the second time shall complete 20 clock hours of remedial dental education in each exercise failed. Candidates are not required to complete remedial education for non-patient based exercises (Written Simulated Clinical Exercise and the Manikin Exercise). If only one exercise has been failed twice, the candidate will be required to retake only that exercise. If more than one exercise has been failed, the candidate shall retake the entire examination.
- 3) A candidate who fails one or more exercise(s) for the third time shall complete one semester (at least 13 weeks) of remedial dental education relating to the content of the failed exercises and shall take the entire examination currently being offered.
- 4) A candidate sitting for the entire examination or specific exercises for the fourth time who fails the examination shall complete one academic year of remedial dental education. Education must be obtained from a dental program approved by the Department in accordance with Section 1220.140 of this Part. Independent study courses may not be utilized to fulfill the remedial requirements. The candidate must take the entire examination currently being offered.
- c) Beginning with the April 1995 administration of the examination, all 4 exercises must be successfully completed within an 18-month period following the date upon which the exam was originally taken.
- 1) If all exercises of the exam have not been successfully completed within an 18-month period following the date upon which the exam was originally taken, the candidate shall retake the entire examination.
- 2) If previous failures have made the candidate subject to remediation, those requirements must be satisfied before applying for re-examination.
- d) If an applicant fails CORE, NERB, CRDTS, the Southern or the Department clinical examination, or any combination of examinations, 3 times, the applicant shall repeat one academic year of an approved curriculum in dentistry.
- e) If an applicant applies for the Illinois clinical exam after having failed CORE, NERB, CRDTS or SRTA one or more times, the CORE, NERB, CRDTS or SRTA failures shall be considered Illinois exam failures for purposes of retakes.
- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 1220.155 Restricted Faculty Licenses Temporary Teaching License

- a) Pursuant to Section 11(d) of the Act, the Department shall issue a Restricted Faculty Temporary Teaching License to an individual who files an application, on forms provided by the Department, which includes:
- 1) A complete work history since graduation from a dental program;
 - 2) Certification of licensure from the jurisdiction of original licensure and current licensure;
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
- 3) A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:
- A) The name and address of the dental school or hospital;
 - B) The beginning and ending date of the appointment;
 - C) The nature of and the need for the educational service that will be provided by the applicant;
- 4) The required fee set forth in Section 21(a)(1) of the Act.
- b) The restricted faculty temporary-teaching license shall be valid for 5 years from the date of issuance and may not be extended or renewed.
- c) The holder of a restricted faculty temporary-teaching license may only perform such acts as may be prescribed by and incidental to the teaching of dentistry and the holder may not engage in the practice of dentistry in this State.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1220.231 System of Retaking the Clinical Examination

Applicants who failed the dental hygienist examination in total or part shall comply with the following retake requirements:

- a) First Failure.
 - 1) On the second examination attempt, an applicant shall be required to take only that Section(s) of the examination in which he did not achieve a score of at least 75.
 - 2) Applicants who fail both parts of the examination during a single series will be subject to the remedial education requirements set forth in subsection (b) below.
- b) Second Failure
 - 1) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:

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- A) Applicants who have two failures in the Dental Hygiene Comprehensive (DHC) Section of the examination are required to take 20 clock hours of additional clinical training in this area through instruction from an approved dental hygiene program.
- B) Applicants who have two failures in the clinical section of the examination are required to take 20 clock hours of additional clinical training--~~both didactic and practical~~ through instruction at an institution of higher education with an approved dental hygiene program.
- 2) At the third examination, an applicant will be required to take only that Section(s) he failed on the second attempt.
- c) Third failure
- 1) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of the repetition of one semester of training at an approved program in dental hygiene.
- 2) At the fourth examination, an applicant will be required to retake the entire examination and be subject to the retake requirements set forth in subsections (b)(1)(A) and (B) above.
- d) If an applicant applies for the Illinois clinical examination after having failed the NERB, CRTBS or SRTA examination one or more times, the NERB, CRTBS or SRTA shall be considered Illinois examination failures for purposes of retake.
- e) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1220.240 Permitted Duties of Dental Auxiliaries

- a) Permitted Duties of an Appropriately Trained Dental Assistant
- 1) A licensed dentist may delegate to an appropriately trained dental assistant those procedures for which the dentist exercises supervision and full responsibility as long as the delegated functions do not include:
- A) Those procedures that ~~which~~ require professional judgment and skill, such as diagnosis and treatment planning and the cutting of hard or soft tissues or any intraoral procedure that ~~which~~ will be used directly in the fabrication of an appliance;
- B) Those procedures specifically allocated to licensed dental hygienists; and
- C) Those procedures forbidden by ~~paragraph (g) of~~ Section 17(g) of the Act.
- 2) Appendix B of this Part contains an illustrative list of those procedures that ~~which~~ may be performed by an appropriately

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- trained dental assistant.
- 3) An appropriately trained dental assistant is a person who is considered by the supervising dentist to be competent to perform acts appropriate for dental assistants, either through formal education in the area or through on-the-job training.
- b) Permitted Duties of a Dental Hygienist
- 1) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
- 2) Scope of Duties
- A) Hygienists may perform all procedures that ~~which~~ may be performed by an appropriately trained dental assistant.
- B) Hygienists may not perform procedures that ~~which~~ require the professional judgment and skill of a dentist, such as diagnosis and treatment planning.
- 3) Dental hygienists may monitor nitrous oxide under the following conditions:
- A) The dental hygienist functions under the supervision of the dentist who remains in the facility;
- B) The dentist shall administer nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthesia;
- C) The dentist shall be responsible for removing the patient from nitrous oxide when the dental hygienist has completed the hygiene procedures; and
- D) ~~The dentist and~~ dental hygienist is ~~are~~ responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and is responsible for submitting certification to the dentist.
- Such course shall have been taken within the past 5 years.
- Proof shall be made available to the Department upon request. The 12 hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250.
- 4) Appendix C of this Part contains an illustrative list of those procedures that ~~which~~ may be performed by registered dental hygienists.
- 5) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures outlined in Appendix C of this Part on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written

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order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

- c) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b)(1) and (b)(5), above, must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

- a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination. The application shall include the following:

- 1) Certification of completion of dental specialty training in accordance with subsection (b) below;
- 2) A complete work history since graduation from dental school;
- 3) The fee required in Section 21 of the Act.

- b) To further qualify for examination as a specialist in Endodontics, Pediatric Dentistry, Prosthodontics or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study of not less than 2 academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.

- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:

- 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a 4 year (48 months) period of training in oral ~~erat~~ and maxillofacial ~~Maxillofacial~~ surgery ~~Surgery~~ in a school and/or hospital approved by the Department. A minimum of 30 months shall be in clinical oral and maxillofacial surgery. Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the 4 year requirement. The schedule shall include 24 months of full-time hospital training in an acceptable oral ~~erat~~ and maxillofacial surgery ~~Maxillofacial--Surgery~~ residency program.

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Not less than 4 months of this period must be devoted to training in anesthesiology.

- 2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the oral ~~erat~~ and maxillofacial surgery ~~Maxillofacial--Surgery~~ training took place. The records must attest to the individual's successful completion of the program.

- d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. Applicants who completed periodontic specialty training prior to July 1, 1994, shall have successfully completed a course of study of not less than 2 academic years in a program approved by the Department.

- e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, which are herein incorporated by reference and include no later amendments.

- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

Section 1220.405 Reporting of Adverse Occurrences

- a) A dentist shall report to the Department within 72 hours each adverse occurrence that results in the death of a patient within 24 hours after a dental procedure.

- b) A dentist shall report any adverse occurrence that results in permanent organic brain dysfunction of a patient within 24 hours after the dental procedure or physical injury that results in hospitalization of a patient within 24 hours after the dental procedure. Such report shall be made to the Department within 30 days after the incident.

- c) The adverse occurrence report shall include:

- 1) The dentist's name and license number;
- 2) The date and time of the occurrence;
- 3) The facility where the occurrence took place;
- 4) The name of the patient;
- 5) The dental procedure involved;
- 6) The type and dosage of sedation or anesthesia utilized in the

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procedure; and

- 7) The circumstances involved in such occurrence.
- d) Upon receipt of any such report, the Department shall make such investigation pursuant to Section 25 of the Act and 68 Ill. Adm. Code 1110.
- e) Failure to provide such information to the Department shall be grounds for discipline.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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Section 1220. APPENDIX C Dental Hygienist Permitted Procedures

- a) In addition to those activities specified in Section 18 of the Act, the following procedures may be performed by a registered dental hygienist:
- 1) Polish restorations without changing the anatomy, contour or occlusion of the tooth.
 - 2) Perform root planing and soft tissue curettage.
 - 3) Place temporary restorations following examination and instruction by the dentist.
 - 4) Apply topical anesthetics and topical medicaments.
 - 5) Record existing conditions through the use of radiographs.
 - 6) Perform intraoral dental laboratory tests, including but not limited to, oral cytology smears, pulp vitality tests and caries tests.
 - 7) Apply pit and fissure sealants to teeth, as prescribed by the dentist.
 - 8) Do intraoral irrigation and sulcular irrigation.
 - 9) Remove overhanging margins without the use of rotary instruments.
 - 10) Utilize chemotherapeutic modalities subgingival under the direction/supervision of a dentist.
- b) Except under the conditions specified in Section 18(b) of the Act a dental hygienist may be employed or engaged only under the supervision of a licensed dentist.
- c) Supervision, as defined in Section 4 of the Act, means the supervision of a dental hygienist requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Podiatric Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1360

3) Section Numbers: 1360.85
Proposed Action:
Amendment

4) Statutory Authority: Authorized by Sections 6 and 21 of the Podiatric Medical Practice Act of 1987 [225 ILCS 100/6 and 21]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the advertising Section to clarify that a podiatric physician may advertise certification by a certifying specialty board approved by the Podiatric Medical Licensing Board or by the Council on Podiatric Medical Education.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses offering the services of podiatric physicians.

B) Reporting, bookkeeping or other procedures required for compliance: Podiatric physicians who advertise certification by a certifying

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specialty board will need to know if the certifying specialty board has been approved by the Podiatric Medical Licensing Board or by the Council on Podiatric Medical Education.

C) Types of professional skills necessary for compliance: Podiatric skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1360

PODIATRIC MEDICAL PRACTICE ACT OF 1987

Section	
1360.10	Statutory Authority (Repealed)
1360.20	Approved Colleges of Podiatry
1360.30	Application for Examination
1360.40	Examination
1360.45	Application for Licensure on the Basis of Examination
1360.50	Endorsement
1360.55	Renewals
1360.60	Restoration
1360.65	Temporary Licenses
1360.70	Continuing Education
1360.75	Visiting Professor Permits
1360.80	Definition of "Human Foot" (Repealed)
1360.85	Advertising
1360.86	Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions

1360.90 Granting Variances

APPENDIX A Curriculum Requirements (Repealed)

APPENDIX B Clinical Training Requirements (Repealed)

AUTHORITY: Implementing the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 50, p. 58, effective December 3, 1980; codified at 5 Ill. Reg. 11053; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 915, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8402, effective July 2, 1982; amended at 7 Ill. Reg. 7668, effective June 15, 1983; amended at 9 Ill. Reg. 5377, effective April 4, 1985; transferred from Chapter I, 68 Ill. Adm. Code 360 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1360 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988; at 12 Ill. Reg. 2962; amended at 13 Ill. Reg. 4234, effective March 21, 1989; amended at 14 Ill. Reg. 701, effective December 28, 1989; amended at 16 Ill. Reg. 13281, effective August 18, 1992; amended at 18 Ill. Reg. 16433, effective October 21, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 1360.85 Advertising

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- a) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the podiatric physician, and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the podiatric physician.
- b) A podiatric physician may incorporate as a professional service corporation in accordance with the Professional Service Corporation Act [805 ILCS 10] ~~§§§-Rev-Stat-1987-ch-32-par-45-1-et-seq-7~~ under a fictitious or an assumed name; however, all advertisements for podiatric services to be performed by members or employees of the corporation must comply with the following:
- 1) A podiatric physician licensed and practicing in Illinois shall be designated at each practice location for the corporation and shall assume responsibility for all advertising in Illinois.
 - 2) The name, office address and office phone number of the designated podiatric physician shall appear in all advertising for the corporation.
 - 3) The name(s) of the owner(s) of the corporation, if other than the designated podiatric physician(s), shall appear in all advertising for the corporation.
 - 4) A list of all podiatric physicians employed by the corporation who perform podiatric services shall be prominently displayed at the location where they practice.
 - 5) Any advertisement which contains the name(s) of podiatric physician(s) employed by the corporation shall include at least one of the following terms to describe each podiatric physician's licensure: podiatric physician, doctor of podiatric medicine, podiatrist, foot specialist or chiropodist.
- c) A podiatric physician not incorporated in accordance with the Professional Service Corporation Act [805 ILCS 10] ~~§§§-Rev-Stat-1987-ch-32-par-45-1-et-seq-7~~ shall identify himself by the use of the name in which his license to practice was issued and shall include at least one of the following terms to describe his licensure: podiatric physician, doctor of podiatric medicine, podiatrist, foot specialist or chiropodist. This name and designation shall appear in all forms of advertising, in whatever medium conveyed.
- d) A podiatric physician may advertise certification by a certifying specialty board approved by the Podiatric Medical Licensing Board of the Council on Podiatric Medical Education. Such approval shall be subject to review and reconsideration by the Podiatric Medical Licensing Board every 2 years. In approving a certifying specialty board, the Podiatric Medical Licensing Board shall consider, but not be limited to, the following criteria:
- 1) The certifying specialty board requires passage of an examination appropriately designed to test the applicant's knowledge of the area of specialty in order to obtain certification. The testing standards of the certifying specialty board are established prior to the test and are based on standards of acceptable psychometric

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validity and reliability;

- 2) The certifying specialty board requires appropriate educational and experience standards in order to obtain certification and grants or denies certification based on objective performance, skill, knowledge and merit of the candidate;
- 3) The certifying specialty board shall be approved by an appropriate national accrediting agency for the certification of professional programs at least 2 years prior to application to the Department.
- e) Any specialty advertisement shall include the complete name of the certifying specialty board.
- f) In addition to the above requirements, a podiatric physician shall comply with advertising requirements set forth in Section 21 of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rules on Transporting Pupils Where Walking Constitutes A Serious Safety Hazard
- 2) Code Citation: 92 Ill. Adm. Code 556
- 3) Section Numbers: Proposed Action:
556.103 Amended
556.108 Amended
- 4) Statutory Authority: Implementing and authorized by Section 29-3 of the School Code [105 ILCS 5/29-3].
- 5) A Complete Description of the Subjects and Issues Involved: By this rulemaking, the Department is proposing to amend two Sections of Part 556. Specifically, the revision to Section 556.103(a), Walking Along a Roadway (Type I hazard), clarifies the definition of "Walkway" to include any public walk which is maintained in suitable walking condition throughout the school year. Additionally, revisions to Section 556.103(b)(1)(A) revise the qualifying rating for school children in 7th and 8th grades. Finally, Section 556.108(a) is revised to include provisions for a temporary safety hazard determination due to construction projects.

The Illinois State Board of Education approved the first change and requested the last two revisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This Part affects local school boards by allowing additional routes to qualify as those where walking constitutes a serious safety hazard for some 7th and 8th grade school children who live within 1 1/2 miles of their public school where school busing is not required. Such qualification allows a school board to seek reimbursement from the State Board of Education if they so elect to provide busing for these school children but it does not obligate them to do so.

This Part does not affect not-for-profit organizations.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

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Mr. R.W. Jones, Engineer of Operations
 Illinois Department of Transportation
 2300 South Dirksen Parkway, Room 009
 Springfield, Illinois 62764
 782-7231

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 2300 South Dirksen Parkway, Room 300
 Springfield, IL 62764

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: These revision do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER f: HIGHWAYS

PART 556

RULES ON TRANSPORTING PUPILS WHERE WALKING CONSTITUTES A
 SERIOUS SAFETY HAZARD

Section

- 556.100 Authority
- 556.101 References to Rules
- 556.102 Purpose and Scope
- 556.103 Walking Along a Roadway (Type I hazard)
- 556.104 Walking on a Roadway (Type II hazard)
- 556.105 Crossing a Roadway (Type III hazard)
- 556.106 Crossing Railroad Tracks (Type IV hazard)
- 556.107 Multiple Hazards
- 556.108 Procedures

AUTHORITY: Implementing and authorized by Section 29-3 of the School Code [105 ILCS 5/29-3].

SOURCE: Adopted at 4 Ill. Reg. 27, p. 426, effective June 19, 1980; amended at 5 Ill. Reg. 5915, effective May 27, 1991; codified at 7 Ill. Reg. 12894; amended at 20 Ill. Reg. _____, effective _____.

Section 556.103 Walking Along a Roadway (Type I hazard)

a) Definitions

"Curb" - A vertical or sloping barrier along a roadway at least 4 inches high, clearly defining the edge to motorists.

"Length of hazardous section" - The length (rounded to the nearest tenth of a mile) of the hazardous condition to which children walking along a roadway are exposed. It is limited to those sections where children walk on a shoulder within 10 feet of the roadway or behind a curb or ditch within 8 feet of the roadway. All of the children covered by the submittal must walk the complete length of the hazardous section. The length may be scaled from a map or measured by a "walking wheel," a car odometer, or other normally accepted method.

"Roadway" - The portion of a road or a street on which vehicles travel, consisting of the pavement surface, exclusive of the shoulders.

"Shoulder" - The relatively flat area between the outer edge of

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an uncurbed roadway and the point where the earth begins sloping either upward or downward, intended for the accommodation of stopped vehicles or for emergency use.

K-8 6 5
7-8 2
9-12 0.5

"Speed of traffic" - The posted speed, where signs are present, except that special school speed zones of 20 miles per hour shall not be considered. If no regular speed limit signs are present, the speed of traffic shall be considered to be 30 miles per hour in urban areas and 55 miles per hour in rural areas.

"Volume of traffic" - The peak hourly volume of traffic during the periods when children are going to or from school. In many cases, annual Average Daily Traffic (ADT) volumes may be available from the agency maintaining a road (the State or county highway department or municipal street department). In those cases the hourly volumes may be considered as 15 percent of the ADT in rural areas and 10 percent in urban areas. If no ADT figures are available, or if the school district prefers, it may make a one hour count (of vehicles in both directions) on a typical school day (e.g., 7:30 a.m.-8:30 a.m., 2:30 p.m.-3:30 p.m., or, for kindergarten children, during the noon hour period).

"Walkway" - The area on which schoolchildren normally walk along a street or highway, including a concrete sidewalk, a surfaced or unsurfaced pathway, or a roadway shoulder. The walkway, when immediately adjacent to the roadway, must be at least 2 feet in width and maintained in suitable walking condition throughout the school year; otherwise the children should be considered walking on the roadway, a Type II hazard. Walkways shall also include pathways created by school districts or other groups on public land which may be used by children to avoid a more hazardous route.

b) Determination of serious safety hazard.
1) Factors to be considered. The following factors are relevant in determining whether children walking along a roadway are endangered by a serious safety hazard: grade of pupil, location of walkway in relation to roadway, speed of traffic, volume of traffic and length of hazardous sections. To determine whether a serious safety hazard exists in a particular situation a school board shall assign points as appropriate for these factors, using the following tables (fractional points may be assigned only in accordance with the tables):

A) Grade of Pupil - Table 1

GRADE	POINTS
-------	--------

Greater than 1.0	2
0.8 - 1.0	1.5
0.5 - 0.7	1
0.2 - 0.4	0.5

B) Location of Walkway - Table 2

LOCATION	DIST. BETWEEN EDGES OF ROADWAY AND WALK*	POINTS
Walkway on Shoulder (no curb present)	Less than 5 Ft. 5 Ft. - 10 Ft.	3 1
Walkway Behind Curb or Ditch	Less than 4 Ft. 4 Ft. - 8 Ft.	2 0.5

* Children walking immediately adjacent to the roadway on a walkway less than 2 feet in width are considered to be walking on the roadway.

C) Speed of Traffic - Table 3

SPEED (MPH)	POINTS
50-55	4
40-45	2
30-35	0.5

D) Volume of Traffic - Table 4

HOURLY VOLUME	2-Lane	4-Lane
Greater than 1500	5	4
1200-1499	4	3
800-1199	3	2
400-799	2	1
100-399	1	0.5

E) Length of Hazardous Section - Table 5

DISTANCE (MILES)	POINTS
Greater than 1.0	2
0.8 - 1.0	1.5
0.5 - 0.7	1
0.2 - 0.4	0.5

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- 2) Judgment points. A school district may add one or two points for judgment factors peculiar to the hazards due to vehicular traffic in a specific situation. Such additions must be accompanied by adequate information to justify the special circumstances being considered.
- 3) Qualification. A serious Type I safety hazard exists if the total of the points from the tables and any judgment points equals or exceeds 12 and the situation qualifies for points from at least Tables 1, 2 and 5. The situation is not disqualified if no points are obtained from Tables 3 and 4. School districts should add judgment points if found proper even though the points from the tables alone equal or exceed 12.

4) Examples:

A) Children going to an elementary school with pupils through 5th grade, on a walkway 4' from the roadway on a shoulder, along a 2-lane road posted 50 m.p.h., with an hourly average volume of 500 vehicles, for a distance of 1/2 mile, would have the following points:

5(Table 1) + 3(Table 2) + 4(Table 3) + 2(Table 4) + 1(Table 5) = 15
 Since the point total (15) exceeds 12, the situation qualifies for children through 5th grade.

B) Children going to an elementary school with pupils through 6th grade, on a walkway 3' from a 4-lane roadway which has curbs and is posted at 25 m.p.h., with an hourly average volume of 1300 vehicles, for a distance of 1 1/4 mile, would have the following points:

5(Table 1) + 2(Table 2) + 0(Table 3) + 3(Table 4) + 2(Table 5) = 12

Since the point total equals 12, the situation qualifies for children through 6th grade. Points from tables 1, 2 and 5 (but not 3 and 4) are required to qualify for this type (Type I) of hazardous situation.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 556.108 Procedures

- a) Determination by local school board.
- The determination by a local school board that a serious safety hazard exists shall be made in accordance with this Part, and on a form promulgated by the Illinois Department of Transportation. A separate form is required for each qualifying location not for each qualifying child. A school board's determination shall be supported by findings on those factors which were found to contribute to the hazard. Findings shall be indicated by completion of appropriate portions of the submittal form. Example: Speed of traffic (45 m.p.h.). Volume

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of traffic (900 vehicles/hour). Length of hazardous section (1.2 miles). Each submittal shall be certified true and correct by an authorized representative of the school board making the submission. Long-term construction projects or other temporary conditions may have an effect on the safety of a route used by children walking to and from school. This could include increases in the hourly volumes of traffic, a change in the length of a hazardous section or a relocation of a walkway. Consideration of these factors may result in a serious safety hazard finding for a route which would not otherwise qualify for such a finding. Where this is the case, a temporary safety hazard determination may be made on a school year by school year basis.

b) Submission of determination.

- 1) A school board shall submit the determination form and a map showing the location of the hazard and the route walked by the children to the Department for review. The submittal may include other materials, such as photographs, which the school board believes will aid in the Department's review. All parts of the submittal shall be in documentary form. A school board shall make its submission to the Department's District Office for the transportation district in which the school district is situated.
- 2) A submission is effective upon receipt by the Department's District Office.

c) Department review.

- 1) Within 30 days of submission, the Department shall approve or disapprove the school board's determination. If a submittal is incomplete, the Department shall disapprove without prejudice and inform the school district why it is considered incomplete. If a submittal is complete, it will be reviewed by the District Office. Each form will be considered as a separate submission and an incomplete submittal will not delay approval of others submitted at the same time.
- 2) The Department's review shall consist of those procedures appropriate to determine the correctness of the findings. The procedures may include the following: taking a view of the location, consulting ADT maps or counting vehicles, measuring length and width of roadways, observing train movements and obtaining train speeds from railroads, regulatory authorities or law enforcement officials. The persons conducting the review shall document the procedures employed and information obtained.
- 3) If a determination is disapproved, the Department shall, in writing, inform the school board why and upon what information the Department's decision was based. A determination will not be disapproved on the ground that judgment points were not justified unless the school board gives no reason for the judgment points or unless the reason given is completely implausible or obviously not related to vehicular traffic.
- 4) A disapproved determination may not be resubmitted for Department review during the same school year in which it was originally

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submitted, unless conditions have changed. However, a determination which is disapproved because of incompleteness may be resubmitted at any time.

- d) Verification upon request from State Superintendent.
The School Code provides that school districts shall annually review the conditions and certify to the State Superintendent of Education whether or not the hazardous conditions remain unchanged. The State Superintendent may request the Department to verify that conditions have not changed. Any such request by the State Superintendent shall be made to the Secretary of the Department of Transportation. The Secretary will assign a request for verification to the appropriate District Office.

- e) Reimbursement.
A school district shall maintain a copy of each approved safety busing submittal in its files for future auditing of district transportation claims. Eligibility for reimbursement of transportation costs for qualifying children is effective on the date of the approval by the Department's District Engineer. Actual reimbursement will be handled in a manner similar to other transportation reimbursement procedures and questions should be referred to the State Superintendent of Education, rather than the Department of Transportation. Questions regarding statutory provisions such as providing transportation for private schools and the prohibition of State reimbursement where adequate public transportation is available should also be addressed to the State Superintendent.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Insurance and Surety Companies
- 2) Code Citation: 44 Ill. Adm. Code 1050
- 3) Section Numbers: Adopted Action:
1050.110 Repeal
1050.120 Repeal
1050.130 Repeal
1050.140 Repeal
1050.510 Repeal
1050.520 Repeal
1050.530 Repeal
1050.540 Repeal
1050.550 Repeal
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06].
- 5) Effective date of Repealer: May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: May 7, 1996
- 9) Notice of Proposal Published in Illinois Register February 2, 1996; 20 Ill. Reg. 1702
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Repealed rules will be replaced with contract provisions setting requirements for bonds and insurance.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED REPEALER

Capital Development Board
401 South Spring Street
3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-2864

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Adopted Action:
302.310 Amend
302.311 Repeal
302. Appendix B Add

4) Statutory Authority: 20 ILCS 505

5) Effective Date of Amendments: May 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 1, 1996

9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16338

10) Has JCARE issued a Statement of Objections to these rule(s)? No

11) Difference between proposal and final version: In addition to editing changes recommended by the Joint Committee on Administrative Rules, the following changes have been made:

Table of Contents - "Appendix B Calculating the Amount of Adoption Assistance" was inserted immediately below "Appendix A".

Section 302.310

(a) 1st line - "agreements" has been deleted and "adoptive parents" has been changed to "those persons".

5th line - "without providing" has been changed to "unless" and "is provided" has been added after "assistance".

6th line - "Eligibility" has been changed to "Although eligibility".

7th line - the period has been changed to a comma and "However" has been deleted.

8th line - the word "adoption" has been deleted.

10th line - "taking" has been changed to ". The Department shall take".

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

11th line - after "circumstances" was added "(e.g., parents' income, family size, number of children being adopted at the same time)" and after "needs" was added "(e.g., behavioral/emotional therapy, counseling, educational intervention, personal care and medical/physical condition)".

(a)(3)"below" has been changed to "of this Section and the formula described in Appendix B, Calculating the Amount of Adoption Assistance".

(d)(2)After paragraph (C) a new paragraph (D) was added which reads "is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and".

(e) The words "based on the funds available for adoption assistance, whether to provide ongoing monthly payments and".

(g) 2nd line - after "payments" was added "calculated in accordance with Appendix B of this Part".

10th line - The words "and the availability of funds" have been deleted.

(i) The second subsection "(i)" has been corrected to "(j)".

Section 302.Appendix B

"Appendix B Calculating the Amount of Adoption Assistance" has been added to Part 302.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of These Adopted Amendments: These amendments revise the eligibility requirements for adoption assistance by redefining the requirements necessary to be considered a child with special needs. The amendments also establish a new method of calculating the amount of ongoing monthly adoption assistance, by taking into account the specific circumstances of the adoptive parents and the special needs of the child.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance Agreements
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.400 Successor Guardianship
 SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase In Plan for Statewide Family Preservation Services
302.530	Time Frames

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
 APPENDIX B Calculating the Amount of Adoption Assistance

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 3051]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 4051]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 16735, effective

MAY 0 1 1996

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 302.310 Adoption Assistance Agreements

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of Illinois and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department on an individual basis. The Department shall take into consideration the specific circumstances (e.g., parents' income, family size, number of children being adopted at the same time) of the adoptive parents and the special care needs (e.g., behavioral/emotional therapy, counseling, educational intervention, personal care and medical/physical condition) of the child being adopted. The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500.00 for each adopted child;
 - 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption;
 - 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (g) of this Section and the formula described in Appendix B. Calculating the Amount of Adoption Assistance, and subject to adjustment at each annual review, but in no event greater than \$25 less than the applicable licensed foster family care payment level at the time the adoption is finalized, or in the case of conditional monthly payments described in subsection (f) of this Section, at the time the first monthly payment is made.
- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
- 1) the child cannot or should not be returned to the home of his or her parents, as determined by:
 - A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
 - B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately

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- cared for if returned to the parent(s); and
- 2) there exists with respect to the child one or more specific factors or conditions (such as his or her ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as documented medical conditions or physical, mental, or emotional handicaps), because of which the Department reasonably concludes that such child cannot be placed with adoptive parents without providing adoption assistance; and
 - 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
- c) Adoption assistance agreements as one-time only payments for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted, and the availability of pro bono services and shall not exceed \$1500.00 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.
- d) Adoption assistance agreements for ongoing monthly payments may be provided to parents adopting a child who:
- 1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and
 - 2) meets one of the following three conditions:
 - A) was eligible for Aid to Families with Dependent Children (AFDC) under Title IV-A of the Social Security Act at the time the adoption petition was filed; or
 - B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or
 - C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or
 - D) is a child for whom the Department of Children and Family

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Services was legally responsible when the adoption petition was filed; and

- 3) is determined by the Department to be in need of ongoing monthly assistance payments in order to provide the child with a permanent home; and
- 4) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented medical condition or a physical, mental, or emotional handicap, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption.

e) The Department shall determine whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs of the child being adopted.

f) For a child with a documented medical condition or physical, mental or emotional handicap, the ongoing monthly payments may include an amount based on the level of care needed to support the child. In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child will eventually require care for a documented medical condition or handicap that does not yet require treatment at the time of the adoption, no such payments based on the level of care shall be made at that time although the adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition warrants treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed \$25 less than the amount the child would have received had the child been in foster care at the time the payments are initiated.

g) The adoption assistance agreement providing for ongoing monthly payments shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments calculated in accordance with Appendix B of this Part shall be reviewed at least annually and may be readjusted annually or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted, but can never exceed the maximum established when the adoption assistance agreement was finalized. The amounts of ongoing adoption assistance payments are subject to change based on changes in State or Federal law regarding adoption assistance. Adoptive parents may refuse any or all payments offered by the Department.

h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance, the types of assistance available, the amount of payment, and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least annually and may be readjusted as set forth in subsection (g) of this Section. In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior

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to finalization of the adoption.

- i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may not extend beyond age 18 years (for children for whom the adoption assistance agreement was negotiated on or after November 28, 1995), although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional handicap that warrants the continuation of assistance and the child is not eligible for other benefits.

j) The adoptive parent(s) shall notify the Department as soon as practically possible in writing when the following changes occur which will affect the amount of adoption assistance:

- 1) the child is no longer the legal responsibility of the adoptive parent(s);
- 2) the child is no longer receiving financial support from the adoptive parent(s);
- 3) the child no longer requires adoption assistance for the special needs for which adoption assistance was being provided;
- 4) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, Veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts;
- 5) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or
- 6) there is a change of address.

a) Adoption assistance--also known as adoption subsidy--shall be offered to persons adopting special needs children:

- 1) for whom the Department is legally responsible or for whom the Department is not legally responsible who were eligible for Aid to Families with Dependent Children (AFDC) at the time the adoption petition was filed or who were eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; and
- 2) who are legally free for adoption; and
- 3) who cannot or should not be returned to their parents--homes as determined by the standards delineated in--09--iii--Adm--Code 305.100--and
- 4) for whom adoption without adoption assistance is unlikely or has been unsuccessful; and

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- 5) who have been placed in the adoptive home and for whom an adoption assistance agreement in accordance with subsection (e) has been signed prior to finalization of the adoption;
- b) Special needs children are those:
- 1) who have irreversible or non-correctable physical or mental handicaps, or
 - 2) who have physical, mental or emotional handicaps correctable through surgery, treatment, or other specialized services, or
 - 3) who are 6 years of age or older, or
 - 4) who are 9 years of age or older and are members of racial minorities, or
 - 5) who are members of a sibling group who are being placed together where at least one child meets one or more of the above criteria
- c) types and amounts of adoption assistance are based on the needs of the child and may include:
- 1) ongoing monthly payments not to exceed \$1,000 less than the foster family care payment level which had been received or would be received if the child were in foster care as adjusted in accordance with subsection (d) below;
 - 2) one-time only payment for services related to legally completing the adoption;
 - 3) payments for those physical, emotional and mental health needs which are not wholly payable through insurance or other public resources and which are associated with or result from a medical condition whose onset has been established as occurring prior to the completion of the adoption;
 - d) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance, the types of assistance available, the amount of payment which may be available based on the needy age and placement of the child and adjusted for any benefits such as Social Security or Veterans' benefits which the child will be receiving;
 - e) the types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption; the duration of adoption assistance may not extend beyond age 18 years for children adopted after the effective date of this Act unless the child has a mental or physical disability; if the child adopted after the effective date of this Act has a mental or physical disability and other assistance is not available, the assistance may be provided to age 21;
 - f) the adoptive parent(s) shall notify the Department when:
 - 1) they are no longer a legally responsible for the support of the child, or
 - 2) the child is no longer receiving any financial support from the adoptive parent(s), or
 - 3) the conditions for which periodic services were needed have changed, or
 - 4) the family has received notification of child's eligibility for

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- certain benefits such as social security, SSI, Veterans' railroad retirement or black lung benefits, etc., and the family has been named payee;
- g) Adoption assistance payments shall be adjusted to reflect the above changes in circumstances; the Department shall annually review with the adoptive parent(s) the continuing need of the child for adoption assistance; Any adjustment in adoption assistance payments shall be made with prior written notice to the adoptive parent(s);

(Source: Amended at 20 Ill. Reg. 6670, effective MAY 01 1996)

Section 302.311 Nonrecurring Adoption Expenses (Repealed)

- a) Payment of nonrecurring adoption expenses up to a maximum of \$1500.00 per adopted child is available to any family:
- 1) who adopts a special needs child as defined in Sections 302.310 (a)-(3)-(6) and 302.310 (b); and the child's adoption was:
 - A) handled directly through the Department or through another public or a non-profit private agency or independently and initiated or finalized in Illinois;
 - B) Payment for nonrecurring adoption expenses are reimbursable only when the Department has a signed agreement with the adopting parent(s) prior to the finalization of the adoption; unless the adoption decree was entered into:
 - 1) on or after January 17, 1987 but prior to June 14, 1989; or
 - 2) before January 17, 1987 but the adoption expenses were paid after January 17, 1987;
 - C) this provision does not include nonrecurring adoption expenses which have been reimbursed through another state or federal program; Allowable nonrecurring adoption expenses include but are not limited to: adoption fees, court costs, attorney fees and other expenses (e.g., health and psychological examinations and costs associated with preplacement visits) which are not incurred in violation of State or Federal laws (e.g., "AN Act in relation to the adoption of persons and to repeat an act therein named" (Ill. Rev. Stat. 1987, Ch. 40, Part 150) or "an act to amend the Adoption Assistance and Child Welfare Act of 1980" (42 U.S.C.A. 670 et seq. (1980-Supp.))

(Source: Repealed at 20 Ill. Reg. 6670, effective MAY 01 1996)

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Section 302. APPENDIX B Calculating the Amount of Adoption Assistance

A. Lifetime Adoption Assistance Maximum

Determine the lifetime maximum adoption assistance amount for each child being adopted at this time. This calculation is based on the age of the child at the time of adoption and the type of foster care the child is receiving. The maximum should not be adjusted because of government benefits, such as Social Security, Supplemental Security Income, veteran's benefits, etc. This figure will serve as the maximum monthly adoption assistance amount that can be paid under the adoption assistance agreement.

Maximum Standard Rate

Age of Child	Maximum
0 through 11 months	\$290.00 per month
1 through 4 years	\$297.00 per month
5 through 8 years	\$312.00 per month
9 through 11 years	\$333.00 per month
12 through 20 years	\$365.00 per month

Maximum Intensive Rate

Age of Child	Maximum
0 through 11 months	\$453.00 per month
1 through 4 years	\$461.00 per month
5 through 8 years	\$478.00 per month
9 through 11 years	\$499.00 per month
12 through 20 years	\$529.00 per month

Maximum Specialized Rate - The maximum specialized rate is the specialized foster care rate adjusted to Fiscal Year 1995 dollars minus \$25.00.

B. Determine the Monthly Adoption Assistance Components

- Determine the basic maintenance floor for the number of children being adopted at this time (from D below).
- Determine the basic care standard (also from D below) for the number of children who will be supported by the family after the adoption is consummated. Subtract 30 per cent of the annual family income divided by 12 minus the standard deduction of \$330.00. (Set amount to zero if this component is negative.)

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- Multiply the extraordinary level of care score (eight or above) by \$20.00 for each level of care point.

- Total amounts in steps 1, 2, and 3.

C. Determine the Monthly Adoption Assistance Payments

Determine which is lesser, the lifetime adoption assistance maximum from A above or the total amount calculated in B. Subtract any governmental benefits the child will continue to receive after the adoption from the lesser amount. This is the amount of the monthly adoption assistance payment.

D. Standards for Monthly Adoption Assistance Components

Basic Maintenance Standard

N of Children	1	2	3	4	5	6	7	8
\$	102	201	249	319	379	407	438	469

Basic Care Standard

N of Children	1	2	3	4	5	6	7	8
\$	337	668	873	1132	1366	1529	1682	1845

(Source: Added at 20 Ill. Reg. 6670, effective MAY 01 1994)

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- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) Section Numbers:
 130.20 Adopted Action:
 130.50 Amendments
 130.60 Amendments
 130.70 Amendments
 130.90 Amendments
 130.135 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

5) Effective Date of Rulemaking: May 6, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 6, 1996

9) Notice of Proposal Published in Illinois Register: February 2, 1996, 20 Ill. Reg. 1709

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 130.60(c), the parentheses was moved outside of the period.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to change references from the Department of Conservation to the Department of Natural Resources; to reset rates and simplify bookkeeping procedures; allow the Department to charge for walk-in campsites that have access to showers; and eliminate problem of distinguishing between youth and adult groups at Dixon Springs and Pere Marquette by charging one rate for all.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 (217) 782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES CONSERVATION
 SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES CONSERVATION PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.135	Use of Campground
130.140	Eviction

AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 935/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective MAY 06 1996.

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Section 130.20 Purpose of Campground

Campgrounds on lands managed by the Department of Natural Resources conservation are established for the convenience and enjoyment of outdoor recreation by the visiting public. Illinois Department of Natural Resources' conservation's campgrounds are not places for permanent or semi-permanent residences, bases for operations or a business, or facilities for non-camper residences.

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1996)

Section 130.50 Registrations

- A permit will be issued and fees collected at the time the camp is established or as soon as possible thereafter (see Sections 130.70 and 130.80).
- The camping attendant has the authority to assign sites.
- A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.
- Curfew: the provisions of Section 1 of the Child Curfew Act [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Natural Resources' conservation properties.
- The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.
- No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.
- In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).
- Reservations will be accepted at selected sites offering this service. An additional \$5.00 non-refundable fee must be submitted for each site reserved.

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1996)

Section 130.60 Permits, Extensions and Time Limits

- A camp permit may be issued for a period not to exceed 14 consecutive nights between the dates of May 1 through September 30. Persons are eligible to camp at a specific Department of Natural Resources' conservation facility for a maximum of 14 nights in a 30 day period between the dates of May 1 through September 30. The 30 day period

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starts from the first day the person actually obtains a bona fide camping permit and the camping equipment involved is subject to these limitations also. From October 1 through April 30, a camping permit may be issued for an unlimited number of nights during this time period.

b) Exceptions to the above time limit may be made in the following instance: In bona fide emergency cases involving serious illness or accident which makes compliance with the rules impossible and only for the duration of the emergency - the burden of proof is on the permittee and the Site Superintendent should be satisfied by investigation or inquiry that facts in the case warrant consideration before granting an extension.

c) During periods when a vacancy occurs in the reservation schedule at the Pere Marquette group camps, day use shall be allowed during a twelve-hour period beginning at 9:00 a.m. and ending at 9 p.m. Reservations will be made by application to the site superintendent. (Application requirements: name of organization, address, number of campers, person in charge, phone number, and age of campers.)

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1996)

Section 130.70 Fees and Charges

a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources Conservation and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

- 1) Spring - Summer Camping (May 1 through September 30)
 - A) Class A Sites: Camping fee of \$8.00 per night per site, \$3.00 utility fee. Sites having availability to showers, electricity and vehicular access.
 - B) Class B-E Sites: Camping fee of \$7.00 per night per site, \$3.00 utility fee. Sites having availability to electricity and vehicular access.
 - C) Class B-S Sites: Camping fee of \$8.00 per night per site. Sites having availability to showers and vehicular access.
 - D) Class C Sites: Camping fee of \$7.00 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
 - E) Class D Sites: Camping fee of \$6.00 per night per site. Tent camping or primitive sites (walk-in or backpack) with no vehicular access.
 - F) Youth Group Camping: \$1.00 per person, minimum daily camping fee of \$10.00.
 - G) Adult Group Camping: \$3.00 per person, minimum daily

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camping fee of \$30.00.

H) Each student or member of an organized youth group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$3.00 per night--or \$4.00 per night for each member of an organized adult group. At Dixon Springs, a deposit of \$30.00 for youth groups and \$40.00 for adult groups will be required before confirmation of a reservation. At Pere Marquette, a deposit of \$75.00 for youth groups and \$100.00 for adult groups will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be \$30.00 per day--for youth groups--and \$45.00 per day for adult groups.

I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. These designated areas will provide, at additional fees of \$8.00 and \$12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either four or 4) sleeping cots per large tent or eight or 8) sleeping cots per extra large tent. The total overnight fee for a rent-a-camp will be based on the basic fees given of \$8.00 or \$12.00 per night in addition to the fee for the class of the camping site A through D on which the rent-a-camps are located, as follows:

- i) Rent-A-Camp at Class A Sites:
 - \$16.00 or \$20.00 plus \$3.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.
 - ii) Rent-A-Camp at Class B-E Sites:
 - \$15.00 or \$19.00 plus \$3.00 utility fee per night per site at all sites having availability to electricity and vehicular access.
 - iii) Rent-A-Camp as Class B-S Sites:
 - \$16.00 or \$20.00 per night per site at all sites having availability to showers and vehicular access.
 - iv) Rent-A-Camp at Class C Sites:
 - \$15.00 or \$19.00 per night per site at all sites having vehicular access.
 - v) Rent-A-Camp at Class D Sites:
 - \$14.00 or \$18.00 per night per site at all sites having tent camping or primitive sites (walk-in or backpack) with no vehicular access.
- J) A \$5.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group camp sites as well as

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individual site reservations.

2) Fall - Winter Camping (October 1 through April 30)

- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
- B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
- C) The fee for primitive campsites shall be \$6.00 per site.

When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

- 1) Except for temporary employees of the Department of Natural Resources Conservation who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources Conservation or any other state agency, regardless of their official status, will be required to pay the established camping fee.

- 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

- 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the

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entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

- C) An Illinois resident who is a disabled veteran, or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1997)

Section 130.90 Check-in and Check-out Times

- a) Check-in times are normally from 7:00 a.m. until 10:00 p.m. Late check-in will be allowed providing camping space is available, when site staff is available or to help avert emergencies.

- b) Check-out time is 3:00 p.m.

- 1) If a camper has checked out and desires to remain in the area for other purposes after the check-out time, he must break camp and move from the campground.
- 2) The camper shall remove all personally owned camping equipment from the campground at the time the camper leaves.

- 3) Failure to remove camping equipment by 3:00 p.m. without specific authorization by Department of Natural Resources' Conservation staff shall obligate the camper to pay an additional night's fee(s). The camper may elect to stay the additional night if such use does not violate time limits and if space is available.

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1997)

Section 130.135 Campground Host Program

- a) Purpose of host - The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.

- b) Pertinent information and qualifications

- 1) The Department will compensate host(s) \$1 per day for the days host(s) work, and will provide free camping privileges while performing duties in the campground.
- 2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.

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- 3) A host shall have camping experience.
- 4) A host shall serve for a minimum of ~~four~~-t 4 weeks.
- 5) Illinois residents will be given first priority for host positions.
- 6) A host shall have a valid driver's license.
- 7) A host shall be at least 21 years of age.
- 8) A host shall be available in the park to assist visitors ~~thirty-five~~-t 35 hours per week, usually over a ~~five~~-t 5 day period. Weekends and holidays are mandatory days for duty in the program.
- 9) A host shall be on duty and work during all kinds of weather.
- c) Location of host campgrounds
 - 1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.
 - 2) A current listing of designated host campground sites will be provided with the application.
- d) Number of hosts per park
 - 1) An individual or couple may act as host-t. Most parks have one campsite designated and a few larger parks may have more campsites.
- e) Duties and responsibilities of a host
 - 1) A host shall be a visible representative of the Department with knowledge of rules and regulations.
 - 2) A host shall be informed about the park setting and activities available in the area.
 - 3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.
 - 4) A host shall be observant for activities within the campground that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)
 - 5) A host shall replenish restroom supplies when the park staff are not present.
 - 6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.
- f) How to apply
 - 1) Interested persons may obtain a campground host application from a Department office or write:
Illinois Department of Natural Resources Conservation, Campground Host Coordinator, 524 South Second Street, Lincoln Tower Plaza Building, Springfield, Illinois 62706.
- 2) Interested persons may complete the application and return it to the above address.
- g) When to apply
 - 1) Applications are accepted year round and filled as positions open. If a position is open, applicant-t will be contacted for an interview.

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- 2) Recruitment for the summer season occurs from March to June.
- h) Hiring campground host and/or hostess
 - 1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suitable candidate-t for this position.
 - 2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicant-t shall include, but not be limited to, the following:
 - A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.
 - B) Previous experience in maintenance and report work.
 - C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.

(Source: Amended at 20 Ill. Reg. 6683, effective MAY 06 1996)

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1) Heading of the Part: Implementing Procedures for the Interagency Wetlands Policy Act2) Code Citation: 17 Ill. Adm. Code 1090

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1090.10	New Section
1090.20	New Section
1090.30	New Section
1090.40	New Section
1090.50	New Section
1090.60	New Section
1090.70	New Section
1090.80	New Section
1090.90	New Section
1090.100	New Section
Exhibit A	New Section

4) Statutory Authority: Implementing and authorized by the Interagency Wetland Policy Act of 1989 [20 ILCS 830].5) Effective Date of Rulemaking: May 6, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date filed in Agency's Principal Office: May 6, 19969) Notice of Proposal Published in Illinois Register: October 31, 1995, 19 Ill. Reg. 1423810) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: The following changes were made in Section 1090.10:

Added the following definition: "Act" - The Interagency Wetland Policy Act of 1989 [20 ILCS 830].

In the definition for "Agricultural Activity" the following changes were made: "Means" was changed to "Includes"; a comma was added between "to" and "normal"; the comma following "including" was removed.

"Converted Wetland" -- "either" was removed.

"Destruction" -- "two (2)" was replaced with "2" and "twelve (12)"

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was replaced with "12" and a comma was placed between "to" and "the".

"Listed Species" -- removed are, capitalized "those".

"Minimal alteration" -- "twelve" was replaced with "12".

"Normal Circumstances" -- comma added following "wetland".

"Off the Site" -- removed "(1)".

"On the Site" -- removed "(1)".

"Significant Alteration" -- replace "two (2)" with "2" and "twelve" with "12" in two places.

"State Jurisdictional Wetland" -- replace "three" with "3".

"Wetland Compensation" -- capitalize "c" in Compensation; delete "Means either:"; combine 3 paragraphs into 1; and place "providing" in lower-case.

"Wetland Compensation Account" -- Capitalize definition, delete "Means", capitalize "a", add semi-colon following "compensation", delete "and".

In Section 1090.20, introductory paragraph, delete "Actions Requiring Review --", add comma following "by", replace "in that" with "for which", add comma following "by" and delete "and the provisions of these rules".

In Section 1090.20(e), delete quotes, and ", as permitted by provisions of this Act".

In Section 1090.20(f), capitalize "State".

In Section 1090.30(a), replace "production" with "activity" and "Rule" with "Part" and capitalize "State".

In Section 1090.30(b), insert "in-kind replacement," following "repair" and insert "culverts, storm sewers, field tiles, retaining walls and appurtenant structures," following "approaches".

In Section 1090.20(d), "where" was replaced with "if" and "Rule" with "Part".

In Section 1090.30(d)(1), the comma following "applicator" was removed.

In Section 1090.30(e), subsections (e) through (m) were amended/added as follows:

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- e) The following actions which take place within existing maintained rights-of-way including the installation and maintenance of signs, lighting and fences and the mowing of vegetation. Provided such actions do not jeopardize the existence of a threatened or endangered species, Illinois Natural Inventory Site or the essential habitat of a threatened or endangered species;
- f) Routine resurfacing, rehabilitative maintenance or application of oil and gravel to existing roads and highways that does not increase the number of traffic lanes, provided that such activities do not adversely impact a wetland;
- g) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings;
- h) Issuance of permits and licenses;
- i) A change in land use from agriculture to wetland habitat, consistent with this Part;
- j) Fisheries management activities in lakes, ponds, reservoirs, rivers, and streams that are for the management and enhancement of the aquatic resource where such practices took place prior to the effective date of this Part;
- k) Construction projects which were let for bidding prior to the effective date of this Part;
- l) Application of media (including deicing) on the surface of existing roads for purposes of public safety; and
- m) Non-surface disturbing surveys and investigations for construction, planning, maintenance or location of environmental resources.
- In Section 1090.40(a), the apostrophe in "AAP's" was removed.
- In Section 1090.40(c), "Government" was placed in lower case.
- In Section 1090.40(d) and (d)(1), "four (4)" was changed to "4".
- In Section 1090.40(e), "of this Part" was added at the end of the subsection.
- In Section 1090.50, introductory paragraph, "(MOA)" was added following "Agreement" and "of this Part" was added following "1090.40."
- In Section 1090.50(a)(1)(B), (C), and (D), "state" was capitalized.

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- In Section 1090.50(a)(1)(D), the following was added at the end of the subsection: "Sufficient detail is not intended to include final design level drawings or calculations".
- In Section 1090.50(a)(2), all numbers were changed to figures and the parentheses removed and "of" following "days" was changed to "after" in two places.
- In Section 1090.50(a)(2)(A), (B) and (C), "state" was capitalized.
- In Section 1090.50(a)(2)(D) and Section 1090.50(a)(3), all numbers were changed to figures and the parentheses removed.
- In Section 1090.50(c), "to a state" was changed to "on a State".
- In Section 1090.50(3)(C), the "s" in "wetlands" was removed.
- In Section 1090.50(c)(3)(H), the "and" was removed.
- In Section 1090.50(c)(3), the label "J" was removed and text indented to the third level of indentation.
- In Section 1090.50(c)(4), the "two" was replaced with "2" and "of receipt" was changed to "after receipt".
- In Section 1090.50(c)(5), "three (3)" was changed to "3".
- In Section 1090.50(c)(6)(B), "four" was changed to "4".
- In Section 1090.50(c)(6)(C), "five (5)" was changed to "5".
- In Section 1090.50(c)(8), the title of the table was changed to read: "Location of the Replacement Wetland".
- The language following the table was indented to the next level of indentation and in the fourth subsection, "either" was removed.
- In subsection 1090.50(c)(8)(B), "state" was capitalized, a period was added following "species" and the semi-colon was changed to a period.
- In Section 1090.50(c)(8)(C), a comma was added following "1978", the period following "Report" was changed to a comma, and "pp 426;" was changed to read "p 426."
- In Section 1090.50(c)(8)(E), "Section 1090.50 c) 8) A through D occur" was changed to read "subsection (c)(8)(A) through (D) of this Section occur".
- In Section 1090.50(c)(8)(F), the comma following "ratio" was removed,

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"Area" was changed to "area", "ILCS 830 Section/1-2" was changed to read "ILCS 830/1-2", "or this Part" was added following "Section 1090.80", the comma following "type" was changed to a period and "these" was capitalized.

In Section 1090.50(c)(8)(H), "make" was changed to "have".

In Section 1090.50(c)(a), the second sentence was changed to read, in part, "If either the alternative in subsection (9)(A) or (B) is approved. . ."

In Section 1090.50(3)(2), "subsection" was changed to "subsections", "1090.50" was removed, "of this Section" was added following "(2)", "provision" was changed to "subsection", "Section 1090.50 c)8)" was changed to read "subsection (c)(8) of this Section."

In Section 1090.60(a)(2), "and" was removed.

In Section 1090.70(b)(2), "subsection 1090.50(c)(8)" was changed to read "Section 1090.50(c)(8) of this Part."

In Section 1090.70(c), "three" was changed to "3".

In Section 1090.70(c)(2), "and" was changed to "or".

In Section 1090.70(d), "thirty percent (30%)" was changed to "30%".

In Section 1090.70(e), "fifty percent" was changed to read "50%".

In Section 1090.80, commas were added following "Department" and "develop", following ". . . implementation of this Part." the following was added: "Both the Department and the Committee will receive and consider public comment on proposed technical procedures, and the Department will attempt to notify associations whose members will be expected to utilize any new technical procedures."

In Section 1090.80(a) and (b), "manual" was changed to "procedures".

In the title of Section 1090.90, the period was removed and "Compensation Areas" was added.

In Section 1090.90(b), "be based upon but not limited" was replaced with "include but is not limited".

In Section 1090.90(c), "state" was capitalized.

In Section 1090.90(c)(1), "765 ILCS 120" was replaced with "765 ILCS 120/4".

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In Section 1090.90(c)(4), "sixty (60) days of receiving" was replaced with "60 days after receiving".

In Section 1090.100, "Rule" was changed to "Part".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part creates a review process for activities which affect wetlands, sets parameters for Agency Action Plans and Memorandums of Agreement, and sets wetland compensation schedules.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Rules begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIESPART 1090
IMPLEMENTATION PROCEDURES FOR THE
INTERAGENCY WETLANDS POLICY ACT

Section	Definitions
1090.10	Actions Requiring Review
1090.20	Actions Exempted
1090.30	Agency Action Plans and Memorandums of Agreement
1090.40	Wetland Review Process
1090.50	Analysis of Alternatives
1090.60	Wetland Compensation Accounts
1090.70	Technical Procedures
1090.80	Transfer and Management of Wetland Compensation Areas
1090.90	Appeals
1090.100	Exhibit A Drainage Basins for the Evaluation of Wetland Resources

AUTHORITY: Implementing and authorized by the Interagency Wetland Policy Act of 1989 [20 ILCS 830].

SOURCE: Adopted at 20 Ill. Reg. 6693, effective MAY 06, 1989.

Section 1090.10 Definitions

The following terms will be used throughout this Part:

"Act" - The Interagency Wetland Policy Act of 1989 [20 ILCS 830].

"Agricultural Activity" - Includes, but is not limited to, normal farming, ranching, horticulture, silviculture, grazing, haying, production of tree fruits or nuts, raising of livestock, production of row crops, and other farming activities including but not limited to tillage, seeding, irrigation, spraying, cultivating, and harvesting for the production of food and fiber products.

"Compensation Ratios" - Relationship between the amount of compensation required as compared with the amount of adverse impact to a wetland.

"Best Technology Currently Available" - The term includes, but is not limited to, devices, systems, methods, techniques, construction practices, siting requirements, vegetative selection, planting requirements, scheduling of activities and design of structures that

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are currently available.

"Buffer Area" - A portion of the supportive upland or related essential environmental area adjacent to a wetland that serves as an integral component of the wetland ecosystem and helps to protect the wetland's functional values.

"Converted Wetland" - The alteration of wetland hydrology, plants or soil such that the area no longer meets the definition of a wetland.

"Department" - The Department of Natural Resources.

"Destruction" - An adverse wetland impact that does not meet the criteria to be defined as a programmatic action and that causes either:

The removal or loss of 2 or more acres of wetland vegetation; or

The alteration of preexisting hydrology or soils of more than 0.5 acres of a wetland for more than 12 months. This includes, but is not limited to, the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc.

"Essential Habitat" - As defined in 17 Ill. Adm. Code 1075 - Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas, the physical and biological environment that is required to maintain viable populations of a listed species in order to ensure the survival and recovery of that species.

"Fisheries Management Activities" - Activities that preserve, restore, maintain, control or enhance aquatic resources. This includes biological, chemical, mechanical, or physical management of aquatic life and their habitats.

"Forestry Activity" - Planting, cultivating, thinning, harvesting, or any other silvicultural activity undertaken to use forest resources or to improve their quality or productivity. This does not include the clearing of trees to convert forest to another land use.

"Hydrologic Unit" - The drainage area of a river or stream as identified in Exhibit A.

"Level of Impact" - Refers to amount of adverse impact a project will have on a wetland and is expressed in terms of minimal alteration, significant alteration or wetland destruction.

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"Listed Species" - Those species declared threatened or endangered by the Illinois Endangered Species Protection Board.

"Minimal alteration" - An adverse wetland impact that:

Meets the criteria to be defined as a programmatic action; or

Causes the removal or loss of 0.5 acre or less of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months.

"Normal Circumstances" - Determined on the basis of an area's characteristics and use, at present and in the recent past. If an area is abandoned and over time regains wetland characteristics such that it meets the definition of wetland, then jurisdiction has been restored.

"Off the Site" - A wetland compensation area located within the same Hydrologic Unit boundary (as identified in Exhibit A), but more than one mile, from the site of the proposed project for which the wetland compensation is required.

"On the Site" - When a wetland compensation area is located within the same Hydrologic Unit boundary (as identified in Exhibit A) and within one mile of the site of the proposed project for which the wetland compensation is required.

"Out of the Drainage Basin" - When a wetland compensation area is located outside the Hydrologic Unit boundary (as identified in Exhibit A) which includes the site of the proposed project for which the wetland compensation is required.

"Performance Standards" - Predetermined goals for achieving and measuring the success of a wetland compensation project.

"Programmatic Actions" - Actions defined in an agency Action Plan that will result in the establishment of coordination procedures between the agency and Department that will reduce the amount of time, correspondence and documentation required to fulfill an agency's obligations under this Part.

"Progressive Levels of Compensation" - Refers to a system which requires increasing levels of compensation based upon the level of adverse impact to an affected wetland and the location of a compensation wetland in relationship to the adversely impacted wetland.

"Significant Alteration" - An adverse wetland impact that does not

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meet the criteria to be defined as a programmatic action and that causes either:

The removal or loss of more than 0.5 acre but less than 2 acres of wetland vegetation but that does not alter the preexisting hydrology of the wetland for a period of more than 12 months; or

The alteration of preexisting hydrology or soils of 0.5 acre or less of a wetland for more than 12 months. This includes, but is not limited to the placement of dredge or fill material into a wetland, the drainage of a wetland, filling in of a wetland through sedimentation, etc.

"State Jurisdictional Wetland" - Land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Areas that are restored or created as the result of mitigation or planned construction projects and that function as a wetland are included within this definition even when all 3 wetland parameters are not present.

"Value" - Unit of measure (i.e., acres, wetland functions, or dollars) that is multiplied by the appropriate wetland compensation ratio to determine the amount of wetland compensation that is required.

"Wetland Compensation" - The required planning and implementation process that results in the replacement of wetland function and area to offset an adverse wetland impact; or providing funding for wetland research, acquisition, etc.

"Wetland Compensation Account" - A system of accounting for wetland loss and compensation; can include one or more wetland compensation account sites.

"Wetland Creation" - The establishment of a wetland where a wetland does not currently exist.

"Wetland Enhancement" - Wetland management or other activity that increases one or more natural or artificial wetland functions while minimizing adverse impacts to other wetland functions.

"Wetland Management Practices" - Activities that maintain, control and enhance wetland wildlife habitat. This includes the chemical and/or mechanical control of undesirable vegetation.

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Any construction, land management or other activity performed by, or for which financial assistance is administered or provided by, a State agency that will result in an adverse impact to a wetland shall be subject to compliance with this Part. This includes but is not limited to the following:

- a) The alteration, removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind from a wetland;
- b) The discharge or deposit of fill material or dredged material into a wetland;
- c) The alteration of existing drainage characteristics, sedimentation patterns, or flood retention characteristics of a wetland;
- d) The disturbance of the water level or water table of a wetland;
- e) The destruction or removal of plant life that would alter the character of a wetland, except for activities undertaken in accordance with the Illinois Noxious Weed Act;
- f) The transfer of State owned wetlands to any entity other than another State agency; and
- g) Other actions that cause or may cause adverse wetland impacts.

Section 1090.30 Actions Exempted

Any construction, land management, or other activity funded or performed by a State agency that will not result in an adverse impact to a wetland and the following actions are exempt from this Part:

- a) Established and continuous agricultural and forestry production activities, including the distribution of water for agricultural activity as defined. Maintenance and operation of existing residences and facilities; upland soil and water conservation practices, causeways, bridges, or water control structures; provided that these activities do not adversely impact wetlands on which agricultural and forestry activities were not conducted prior to the effective date of this Part. Activities on areas lying fallow as part of a conventional rotational cycle or as the result of participation in a State or federal farm program are part of an established and continuous operation. Activities that bring an area into farming or ranching use are not part of an established and continuous operation. An operation ceases to be established and continuous when the area in which the agricultural or forestry activity was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operation;
- b) Activities involving the repair, in-kind replacement, maintenance, or emergency reconstruction of recently damaged portions of currently serviceable structures including dikes, dams, levees, groins, riprap, breakwaters, bridge abutments, piers, appurtenances or approaches, culverts, storm sewers, field tiles, retaining walls and appurtenant structures, water control structures, and transportation structures provided that such activities do not adversely impact or cause the conversion of a wetland. Maintenance does not include any

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modification that changes the character, scope, or size of the original fill design;

- c) Activities undertaken for the maintenance of existing ponds, stormwater detention basins and channels, drainage ditches or navigation channels;
- d) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds or furbearers if such practices took place on these lands prior to the effective date of this Part.
- 1) This includes vegetation management which may include the use of fire, chemical and/or mechanical (hydro-axe, bulldozer, cone disk, or similar equipment) removal of invading woody and/or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals will be by a certified applicator and chemicals will be registered for appropriate use.
- 2) Clearing or removal of woody vegetation will be limited to 4-inch dbh or smaller material for the purpose of establishing and/or maintaining the successional stage of a wetland as a herbaceous wetland vegetated by native moist soil plants and/or selected wildlife food plants.
- e) The following actions which take place within existing maintained rights-of-way including the installation and maintenance of signs, lighting and fences and the mowing of vegetation. Provided such actions do not jeopardize the existence of a threatened or endangered species, Illinois Natural Inventory Site or the essential habitat of a threatened or endangered species;
- f) Routine resurfacing, rehabilitative maintenance or application of oil and gravel to existing roads and highways that does not increase the number of traffic lanes, provided that such activities do not adversely impact a wetland;
- g) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings;
- h) Issuance of permits and licenses;
- i) A change in land use from agriculture to wetland habitat, consistent with this Part;
- j) Fisheries management activities in lakes, ponds, reservoirs, rivers, and streams that are for the management and enhancement of the aquatic resource where such practices took place prior to the effective date of this Part;
- k) Construction projects which were let for bidding prior to the effective date of this Part;
- 1) Application of media (including deicing) on the surface of existing roads for purposes of public safety; and
- m) Non-surface disturbing surveys and investigations for construction, planning, maintenance or location of environmental resources.

Section 1090.40 Agency Action Plans and Memorandums of Agreement

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a) State agencies represented on the Interagency Wetlands Committee shall comply through the development and implementation of their Agency Action Plan (AAPs).

b) State agencies who are not members of the Interagency Wetlands Committee may comply with the Act by:

1) Development of a Memorandum of Agreement with the Department that is consistent with the minimum provisions required for Agency Action Plans; or

2) Development of an Agency Action Plan.

c) The State agency or unit of State government that funds, administers pass-through funding, provides or supports any construction, land management, land acquisition, land transfer or other activity that will result in an adverse impact to a wetland shall be responsible to ensure that the unit receiving the assistance complies with the provisions of this Part. The State agency or unit of State government providing assistance may require the agency or applicant receiving assistance to furnish all information and perform all compliance tasks as defined in this Part.

d) Agency Action Plans and Memorandums of Agreement shall be valid for a period of 4 years. During that period, the agency shall submit a biennial report to the Department on or before June 30 describing actions taken to implement the AAP or Memorandum of Agreement. Renewal of the Agency Action Plan shall be initiated by a letter from the Department to the agency. The agency may request that an Agency Action Plan be renewed with no modifications or with modifications.

1) If no modifications are requested or required, the Agency Action Plan or Memorandum of Agreement shall be automatically renewed for 4 years by the Department, provided that biennial reports are timely and complete and that the Agency has not had a change in legislative authority that would alter the terms of the AAP.

2) If modifications are requested or required the agency and Department shall initiate discussions to modify the Agency Action Plan or Memorandum of Agreement and it shall follow the same review and approval process as provided in the Act.

e) All Agency Action Plans shall include provisions indicating that the agency shall use or require the use of technical procedures adopted in accordance with Section 1090.80 of this Part.

Section 1090.50 Wetland Review Process

Actions that require coordination under this Part shall not be commenced until completion of the wetland review process and a wetland compensation plan has been approved for any unavoidable adverse wetlands impacts. Coordination with the Department shall be accomplished through the wetland review process as defined in this Section or as provided in Agency Action Plans or Memorandums of Agreement (MOA) approved in accordance with Section 1090.40 of this Part. The wetland review process shall consist of the following:

a) Wetland Impact Determination

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1) When an action covered by this Part is proposed, the agency initiating or supporting the action shall cause to have completed and submitted a Wetland Action Report to the Department. This Report shall be submitted as early in the planning process as practicable. The purpose of this report is to identify the specific location of a proposed project in order to determine if a wetland is likely to be adversely impacted by the proposed action. The Wetland Action Report shall include but not be limited to the following:

A) Name and address of the agency proposing the action;
B) Sufficient detail (field reports, surveys, site inventories, maps and/or photographs) to determine the presence or absence of a State jurisdictional wetland;

C) The precise location of the proposed action sufficient to show the relationship of the State jurisdictional wetland to the proposed action;

D) An accurate description of the proposed action in sufficient detail to allow a thorough review of the potential impact to a State jurisdictional wetland. This may include a site plan, soil erosion control plan, an assessment of the benefits to the wetland, or similar information. Sufficient detail is not intended to include final design level drawings or calculations;

E) Anticipated starting and ending dates of the proposed action (e.g., land clearing, project construction, etc.); and

F) Discussion of alternative actions considered and supporting justification of the selected alternative if that alternative will or is likely to have an adverse wetland impact.

2) Unless otherwise stated in the AAP or MOA, the Department shall, within 30 days after the receipt of a wetland action report inform the applicant in writing of any deficiencies in the report or of further information the Department needs in order to evaluate the report. In the event no such request is made by the Department, the report shall be deemed filed on the expiration of the thirtieth day. The Department shall notify the agency in writing of the date the report is deemed filed. Unless otherwise stated in the AAP or MOA, from the date the report is deemed filed, the Department shall have 60 days to complete its review. The 60 day review period may be extended by written agreement between the applicant and Department. Unless otherwise stated in the AAP or MOA, the Department shall provide one of 3 responses to the agency or applicant proposing the action within 60 days after receipt of a wetland action report which is deemed filed:

A) If no adverse impacts to a State jurisdictional wetland will occur, a letter shall be sent indicating that further coordination with the Department is not necessary and that the proposed action may be carried out as

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planned.

- B) If an adverse impact to a State jurisdictional wetland is likely to or will occur, and practical alternatives to the proposed action do not exist, a letter shall be sent approving the proposed action with restrictions or limitations as the Department concludes are necessary in order to meet the purpose of the Act.
- C) If an adverse impact to a State jurisdictional wetland is likely to or will occur, and practical alternatives to the proposed action exist, a letter shall be sent indicating that the proposed action shall not be carried out as planned.
- D) The agency or applicant may request a reevaluation of the Department's response to a Wetland Action Report. The Department shall have 30 days to complete a reevaluation. The 30 day period can be extended by a written agreement between the agency or applicant and Department.
- 3) A wetland impact determination is valid for a period of 3 years following the issuance of a written notice to the agency or applicant submitting the request. The Department shall grant an extension upon demonstration by the agency or applicant that the project is being pursued in good faith and that conditions of the site have remained substantially unchanged.

b) Emergencies

Two types of emergency conditions that require special treatment:

- 1) Where emergency circumstances pose an immediate threat to human life, or severe loss of property is imminent from situations involving natural or man-made disasters, casualties, or national defense or security emergencies, and the action must be taken immediately, the agency can proceed without notifying the Department prior to taking action. A wetland action report shall be filed and a wetland impact determination shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 days. If necessary, this shall be followed by the development, approval, and implementation of a wetland compensation plan.
- 2) Where emergency circumstances pose a threat to human life or severe loss of property and the action must commence within 30 days, the agency shall contact the Department prior to commencing the action and explain the nature of the problem. The wetland impact determination shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 days. If necessary, this shall be followed by the development, approval, and implementation of a wetland compensation plan.
- c) Wetland Compensation Plans
 - 1) If the wetland impact determination establishes that the proposed action is likely to have an adverse impact on a State jurisdictional wetland, the agency or applicant is responsible

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for the development and implementation of a wetland compensation plan. A wetland compensation plan shall be submitted either:

- A) Along with the request for a wetland impact determination; or
 - B) After the Department submits its formal written response to the wetland impact determination.
 - 2) If the wetland compensation plan is submitted as part of the wetland impact determination it shall be used in the evaluation of that material. However, formal review and response to the wetland compensation plan shall not occur until after the Department and agency or applicant have resolved all issues related to the wetland impact determination.
 - 3) The wetland compensation plan shall include but not be limited to the following:
 - A) Name and address of the agency or applicant responsible for the development and implementation of the wetland compensation plan;
 - B) Description of the proposed replacement project including a clear statement of goals;
 - C) Identification of the wetland type which will be adversely impacted and the wetland type that is to be established;
 - D) A description of the wetland that will be adversely impacted and an evaluation of the current land use, biological, hydrological, and soil characteristics of the site where the replacement wetland is to be established;
 - E) The precise location of the wetland that is to be established including a map, legal description, and distance from the wetland that will be adversely impacted;
 - F) Site plan that includes the plant materials and methods to establish those plant materials, proposed contours of the wetland and surrounding buffer to be established, source(s) of water, anticipated hydro-period(s) of the proposed wetland and any water control structures, the watershed draining into the proposed wetland, and relationship of the site to surrounding land uses;
 - G) Operation, management and maintenance plan for the site including procedures to restrict further adverse impacts to the site, such as the use of buffer areas, restricting future construction within the wetland compensation area, etc.;
 - H) The monitoring plan to evaluate the success and/or failure of the wetland establishment effort, including the use of measures to correct identified deficiencies or problems; and
 - I) Anticipated starting and ending dates of the wetland compensation plan.
- If the applicant is unable to develop a wetland compensation plan, a request for consideration of other compensation alternatives may be made. The request for consideration of other

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compensation alternatives must be a written proposal detailing why a form of wetland compensation other than the establishment of a replacement wetland is being requested and specific details describing the proposed action.

4) The Department shall review the wetland compensation plan and determine if the plan is likely to result in the successful establishment of a replacement wetland and meets the overall goals of the Act. Unless otherwise stated in the AAP, the Department will provide one of 2 responses to the agency or applicant proposing the action within 45 days after receipt of the wetland compensation plan:

A) That the plan meets the overall goal of the Act, is likely to result in the successful establishment of a replacement wetland and provides the proper wetland compensation in accordance with this Part. A letter will be sent indicating that the agency or applicant may proceed with implementation of the plan.

B) That the plan does not meet the overall goal of the Act and/or will not likely result in the successful establishment of a replacement wetland. The Department shall notify the applicant in writing that the plan fails to meet the intent of the Act. The Department may include recommendations that, if implemented, will bring the plan into compliance with the Act. It shall be the agency's or applicant's responsibility to revise the plan and submit a plan that complies with the Act and this Part. The Department shall not unreasonably withhold approval of an applicant's wetland compensation plan.

5) Department approval of a wetland compensation plan is valid for a period of 3 years following the issuance of written Department approval to proceed. The Department shall grant an extension without modification to the plan upon demonstration by the agency or applicant that conditions at the site have remained substantially unchanged. A wetland compensation plan is not complete until after all elements of the plan have been successfully implemented by the agency or applicant and approved by the Department.

6) The agency or applicant shall submit status reports to the Department to demonstrate progress towards implementation of the wetland compensation plan. These reports shall include:

A) Post construction site evaluation report. This report shall be submitted within 90 days after the initial construction, planting and all associated work on the site plan have been completed;

B) Status reports. Up to 4 annual reports on the status of the replacement wetlands and associated buffer as provided for in the wetland compensation plan shall be provided to the Department;

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C) Final report. A final report on the status of the replacement wetland and associated buffer. The final report is due 5 years after implementation of the wetland compensation plan; and

D) Transfer report. If the replacement wetland is to be transferred to another entity, a transfer report shall be submitted to the Department for approval. This report shall provide all details associated with the transfer.

7) Unless the Department otherwise allows, compensation shall occur either prior to or concurrently with the activity for which a wetland impact determination is sought. Compensation for adverse impacts to a wetland, its functions, or associated buffer area shall be accomplished using best technology currently available, performance standards and effective monitoring. The Department shall establish guidance for locating and developing wetland compensation plans and standards to ensure that a wetland compensation project is completed as planned to measure the success of compensation projects and correct compensation projects that fail. Use of uplands for wetland compensation sites are generally less suitable than lower lying lands and their use is discouraged. Every effort should be made to avoid the use of upland sites classified as "Prime farmland" by the USDA Natural Resources Conservation Service.

8) The compensation rate for adverse wetland impacts has been developed based upon wetland quality, function, type, degree of adverse impact, and location of the compensation site. Compensation ratios have been made progressively higher to encourage avoidance and minimization of adverse impacts to wetlands. The following table of wetland compensation ratios shall be used to determine the final value of compensation required for an action that causes an adverse wetland impact.

Degree of Adverse Impact	Location of the Replacement Wetland	
	On-Site	Off-Site
Min.*	1.0:1****	1.5:1
Alt.	1.5:1****	2.0:1
Sig.**	1.5:1	2.0:1
Alt.		3.0:1
Dest.***	2.5:1	4.0:1
		5.5:1

The following explanations are provided for the abbreviations used in the above table:

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- * Min. Alt. equals minimal alteration;
- ** Sig. Alt. equals significant alteration; and
- *** Dest. equals destruction.
- **** The 1.0:1 ratio applies to all other types of wetland vegetation, substrate, or wetland type except those wetlands that have woody vegetation.
- ***** This ratio applies if the vegetation of the adversely impacted wetland is woody.

The ratios in the above table apply, unless the adversely impacted wetland has one or more of the following situations present: This includes:

- A) The presence of a State or federally listed endangered and threatened species. (Listed plants or mussels shall be deemed "present" if individuals or populations occur within the area that is to be adversely impacted by a proposed action. For mobile species, "presence" shall be based on the existence of confirmed nesting or breeding sites in the area to be adversely impacted by the proposed action.)
- B) The presence of essential habitat of a State or federally listed endangered and threatened species.
- C) The presence of an Illinois Natural Area Inventory Site (INAI). The INAI is maintained and updated by the Department following the criteria and methodology described by Jack White, 1978, in the Illinois Natural Area Inventory - Technical Report, University of Illinois Department of Landscape Architecture, p 426.
- D) A wetland that is comprised of a plant community that receives a floristic quality native index score of 20 or more and/or a native mean coefficient of conservatism of 4.0 or greater using the procedure described in Plants of the Chicago Region (Swink and Wilhelm 94).
- E) If any of the situations described in subsection (c)(8)(A) through (D) of this Section occur, the compensation ratio used to determine the amount of wetland compensation required is always 5.5:1.
- F) Compensation ratios refer to replacement area, quantified wetland functions, or dollar value when compared to the wetland area that is adversely impacted. The procedure for computing wetland compensation requirements shall be to multiply the appropriate wetland compensation ratio by the unit of compensation (replacement area, function and/or monetary contribution). Replacement area refers to the amount of wetland compensation required and is computed by multiplying the wetland area that is adversely impacted by the appropriate compensation ratio. Wetland function refers to one or more of the physical processes identified in 20 ILCS 830/1-2. Use of this alternative is dependent upon

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adoption of a scientifically valid procedure as provided in Section 1090.80 of this Part. Functional units shall be computed separately for each adversely impacted wetland type. These units shall be multiplied by the appropriate wetland compensation ratio. Compensation requirements for each wetland type shall then be aggregated to determine the total amount of wetland compensation required. If this procedure is used, in no instance shall the replacement amount of a wetland be less than the amount of compensation computed using replacement area. Determination of dollar value shall be based upon the fair market value of the adversely impacted wetland, normal and customary cost for the establishment of a replacement wetland (including all planning, engineering, construction, planting and monitoring cost), and operation and maintenance cost of the area for a minimum of 10 years. Dollar value shall be established for an acre of replacement wetland. This dollar value shall be multiplied by the number of wetland acres adversely impacted and the appropriate compensation ratio to determine the total monetary compensation required.

G) The agency or applicant shall request the approval of the Department in the method of compensation to be used. The Department shall not unreasonably withhold its approval. The first priority method of wetland compensation shall be to use replacement area. The second priority methods of wetland compensation shall be to use wetland function and dollar value. Use of the wetland function method is dependant upon the development and adoption of scientifically valid procedures for the identification and quantification of wetland functions.

H) An agency or applicant may request approval to use existing public lands for wetland compensation projects. The Department shall have the final approval on the use of existing public lands for this purpose.

9) If an agency or applicant is not able to develop a sound wetland compensation plan that meets the objectives of the Act or if unique opportunities exist to further the goals of the Act through another means, an agency or applicant may make a formal request to the Department to not require the establishment of the same type of wetland or a replacement wetland as a component of a wetland compensation plan. The Department shall consider such request and may approve:

- A) The acquisition of high quality wetlands and associated buffer;
- B) The funding of needed relevant research; or
- C) Development of a wetland compensation plan that includes replacement of the same and different wetland types as the wetland that was adversely impacted. If either the

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alternative in subsection (9)(A) or (B) is approved, the Department shall determine the dollar value that must be provided to meet the compensation requirement.

- d) The Department may revoke its approval of a wetland determination or a wetland compensation plan for cause, including violation of conditions of approval, obtaining approval by misrepresentation or failing to disclose a relevant or material fact. The Department shall notify the agency or applicant in writing and provide an opportunity for response.

- e) An agency may request development of a category of actions called Programmatic Actions for inclusion in an Agency Action Plan. Actions must meet the following criteria in order to be placed in the category of Programmatic Actions:

- 1) They must be repetitive actions for the repair, maintenance, or improvement of existing structures or rights-of-way; and
- 2) Have no practicable alternatives that would avoid an adverse wetland impact. Actions included in this category may involve the acquisition of additional land to accommodate the work, provided that it is contiguous to the property on which an existing structure is located and it meets the criteria prescribed in subsections (e)(1) and (2) of this Section. Adverse wetland impacts resulting from projects carried out under this subsection shall require compensation according to the wetland compensation matrix defined in subsection (c)(8) of this Section.

Section 1090.60 Analysis of Alternatives

- a) The Department shall not approve a wetland impact determination unless the Department finds that the agency or applicant has demonstrated that the activity:

- 1) Is water dependent and has no other practicable alternative; or
- Is not water dependent and that alternative designs and alternative sites are not available;
- 2) Minimizes alteration or impairment of the wetland and its associated buffer area; and
- 3) Is in compliance with the Illinois Endangered Species Act and the Illinois Natural Areas Preservation Act.

- b) In considering whether a practicable alternative to the proposed activity exists, the Department shall consider whether:

- 1) A modification in the size, scope, configuration, or density of the project for which the wetland impact determination is sought and all alternative designs that would result in a less adverse impact on the wetland have been considered consistent with applicable established minimum standards for safe design and operation of the project;

- 2) The basic purpose of the project would still be accomplished if the project is modified, and whether the basic purpose has been so narrowly defined as to disqualify all but a single site; and

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- 3) The agency or applicant has made reasonable attempts to remove or accommodate constraints, such as inadequate zoning, infrastructure, or parcel size.

- c) For all project actions, it is presumed that a practicable alternative that does not adversely impact a wetland exists. It is the responsibility of the agency or applicant to demonstrate that practicable alternatives do not exist for projects that will cause an adverse wetland impact.

Section 1090.70 Wetland Compensation Accounts

- a) The establishment of a wetland compensation account, the determination of a project's eligibility for use of an account, and the selection of wetland compensation account sites shall be approved by the Department in compliance with this Part. The consolidation of multiple small compensatory mitigation projects for adverse impacts to degraded wetlands allows for economies of scale in planning, implementation, and maintenance. Wetland compensation accounts are a form of compensatory mitigation that results in the establishment of large-scale wetland complexes that will be professionally managed and maintained in perpetuity for the benefit of the general public.

- b) Management of a wetland compensation account shall include both operation and maintenance of individual wetland sites and a system of accounting to establish account credits and debits. Credits and debits shall be the currency of the account and shall be measured in either replacement area, quantified wetland functions or dollar value by wetland type. The unit of measure shall be standard for all wetland compensation accounts.

- 1) The Department shall make a formal determination of all credits and debits to the wetland compensation account.

- 2) perpetual maintenance of a replacement wetland is the responsibility of the agency or applicant implementing a wetland compensation plan. This responsibility shall be transferred to the unit responsible for managing the wetland compensation site(s). The minimum dollar value of a credit or debit shall be based upon the factors listed in Section 1090.50(c)(8) of this Part.

- c) The Department shall make a formal determination of compensation account credits that have been generated and are available for use at each wetland compensation account site. This formal determination is known as credit certification. Credit certification shall be based upon units within a compensation account site meeting defined performance standards. Account credits shall be placed into one of the 3 following categories:

- 1) Certified credit - A credit that meets all performance standards;
- 2) Conditionally certified credit - A credit that shows reasonable progress towards becoming a certified credit; or
- 3) Uncertified credit - Credit that is anticipated to become a

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certified credit as part of a planned wetland compensation account site but which does not meet the performance standards for either a certified or conditionally certified credit. Uncertified credits are used to anticipate the amount and availability of future certified credits.

- d) Wetland compensation accounts are a means of establishing wetlands and generating compensation account credits in advance of adverse wetland impacts from a specific project. An agency or applicant must request approval from the Department in order to use uncertified credits at an individual wetland compensation site. The Department shall consider this request and shall only approve the use of up to 30% of the total anticipated certified credits of an individual wetland compensation site. Use of uncertified credits shall be limited to circumstances where the agency has no practicable alternative for developing an individual wetland compensation site and in which it would serve the best interest of the wetland resource.

- e) Preservation of wetlands shall be considered for wetland compensation account credit only in exceptional circumstances such as an existing wetland of extremely high functional value, where incorporation of the wetland into the compensation account further enhances or protect its natural resource value, and where the existing wetland comprises less than 50% of the wetland compensation account site.

- f) Compensation account sites are an aggregation of multiple wetland compensation projects and are generally larger in size than individual wetland compensation projects. Therefore these areas shall be held to a higher performance standard than individual wetland compensation projects.

- g) An established wetland compensation account site must be dedicated to maintaining the designated wetland functions and values to the exclusion of other conflicting uses.

- h) In cooperation with the Interagency Wetland Committee, the Department shall develop guidelines and policies for the establishment, implementation, and management of wetland compensation accounts that are compatible with federal policies on wetland mitigation banking.

- i) In cooperation with the Interagency Wetland Committee, the Department shall develop a statewide plan for the establishment of a wetland compensation accounting (mitigation banking) system. The development of all compensation accounting sites shall be compatible with the goals of this plan.

Section 1090.80 Technical Procedures

The Interagency Wetlands Committee may request of the Department, or the Department may initiate actions to develop, standardized technical procedures for the implementation of this Part. Both the Department and the Committee will receive and consider public comment on proposed technical procedures, and the Department will attempt to notify associations whose members will be expected to utilize any new technical procedures. Technical procedures shall

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be recommended by the Department and receive concurrence by the Interagency Wetlands Committee. Technical procedures adopted for implementation of the Act may include but are not limited to the following:

- a) Jurisdictional wetland delineation procedures;
- b) Restoration and creation procedures;
- c) Performance standards for certifying and conditionally certifying account credits; and
- d) Process to evaluate the positive and negative impacts that may result from a project action.

Section 1090.90 Transfer and Management of Wetland Compensation Areas

- a) Wetland Compensation Areas

The transfer of wetland compensation areas, associated buffers and the responsibility for operation and maintenance is subject to approval by the Department. Prior to the transfer of responsibilities, the agency or applicant must submit a written request to the Department. The Department shall approve all requests for the transfer of wetland compensation areas unless deficiencies are found in one or more of the conditions outlined below:

- 1) That the entity has the legal authority to receive, hold, and manage the site;
- 2) That the entity has the ability to provide competent professional management of the site; and
- 3) That the entity has executed a legally binding agreement that will fulfill all obligations of the agency or applicant related to the approved wetland compensation plan and provisions of this Part.

- b) Transfer to the Department

An agency may request that the Department accept fee simple or easement transfer of a wetland compensation area and an associated buffer area along with the responsibility of managing, operating and maintaining a site. Acceptance of these sites will be at the discretion of the Department. Criteria which the Department may use to decide on the acceptance of a site shall include but not limited to the following:

- 1) Proximity to existing Department owned/managed lands;
- 2) Size;
- 3) Development of a site management agreement;
- 4) Compatibility with existing and long term site management objectives;
- 5) Amount of funding provided for the long term operation and maintenance; and
- 6) Compatibility with Department regional objectives.

- c) Transfer of other wetlands to non-State agencies

- 1) If State-owned property intended for sale, exchange, or release contains wetlands that are not compensation wetlands, the agency proposing the sale, exchange, or release shall require that the

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buyer grant a conservation easement, which shall contain provisions to protect the wetlands and associated buffer areas from adverse impacts. Such easements shall be written and recorded pursuant to the Real Property Conservation Rights Act [765 ILCS 120].

2) The agency proposing the sale, exchange, or release shall attempt to have a unit of local government be the grantee of the easement. If a unit of local government cannot be obtained, the agency shall attempt to have an acceptable not-for-profit corporation or charitable trust be the grantee. The grantee shall agree to monitor and enforce the easement pursuant to the procedure in Section 4 of the Real Property Conservation Rights Act [765 ILCS 120/4]. If the grantee brings a successful action against a violating landowner, neither the agency that sold, exchanged, or released the property nor the Department shall share in the damages.

3) If a unit of local government or a not-for-profit entity cannot be obtained, the agency proposing the sale, exchange, or release shall reserve conservation rights in its deed or release document and transfer those rights to the Department. The Department shall not be prevented from entering into additional agreements with other agencies or entities in complying with its obligations as grantee.

4) Prior to the sale, exchange, or release of these lands, the agency must submit a written request to the Department. The Department shall approve all requests for the sale, exchange or release of these lands, unless deficiencies are found in ability of the grantee to monitor and enforce its obligations. The Department shall provide a decision on a request for the sale, exchange or release of lands within 60 days after receiving the request.

Section 1090.100 Appeals

An agency or applicant may appeal a decision made by the Department, as the result of this Part, through the Administrative Appeals process pursuant to 17 Ill. Adm. Code 2530 - Department Formal Hearings Conducted for Rulemaking and Contested Cases.

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Section 1090.EXHIBIT A Drainage Basins for the Evaluation of Wetland Resources



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- 1) Heading of the Part: Rental of Boats and Boating Facilities

- 2) Code Citation: 17 Ill. Adm. Code 210

- 3) Section Numbers: 210.20
Adopted Action:
Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois [20 ILCS 805/63a14, 63a15, 63a21 and 63a22].

- 5) Effective Date of Rulemaking: May 6, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: May 6, 1996

- 9) Notice of Proposal Published in Illinois Register: February 16, 1996, 20 Ill. Reg. 2647

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: In the Authority Note, a comma was added after "16062."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Language was added to this Section to facilitate the use of either a DNR CA6 form or a pre-numbered form provided by the concessionaire and approved by DNR in the use of rental boats and/or accessories.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

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The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 210
 RENTAL OF BOATS AND BOATING FACILITIES

Section	
210.10	Safety Requirements
210.20	Rental Procedures
210.30	Boat Rental Fees
210.35	Docking Fees
210.40	Additional Information

AUTHORITY: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois [20 ILCS 805/63a14, 63a15, 63a21 and 63a22].

SOURCE: Adopted at 9 Ill. Reg. 2912, effective February 26, 1985; amended at 9 Ill. Reg. 10248, effective June 26, 1985; amended at 14 Ill. Reg. 2013, effective January 23, 1990; amended at 19 Ill. Reg. 16924, effective November 21, 1995; amended at 20 Ill. Reg. 6719, effective

MAY 06 1996.

Section 210.20 Rental Procedures

- a) All persons renting boats must complete a boat registration form CA-6 provided by DNR or a pre-numbered boat registration form provided by the concessionaire and approved by DNR at the time and location of the rental. The boat, when rented, is not transferable to another person, unless such person is a part of the family or a member of a group associated with the person renting the boat. Except upon other arrangements with the renter, the boat should be returned by the person who rented the boat. No person under 14 years of age shall be permitted to rent a State or concessionaire owned boat, paddle boat, canoe or other watercraft.
- b) Boats may be rented when available and returned before 8 p.m. the same day unless prior arrangements have been made with the person from whom the boat was rented to keep the boat overnight. A person not returning a boat by 8 p.m. without such prior arrangement will be charged an additional day's fee. If a person making arrangements to keep a boat overnight does not return the boat by 8 a.m. the next day, rent will be charged for that day in addition to the fee for the previous day. Campers who arrange to rent boats for more than one day may beach the boats near their campsites overnight in lieu of returning them to the concession each night.

(Source: Amended at 20 Ill. Reg. 6719, effective

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MAY 06 1996.)

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1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Numbers:
 670.10 Adopted Action:
 670.40 Amendments
 670.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) Effective Date of Rulemaking: May 6, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 6, 1996

9) Notice of Proposal Published in Illinois Register: February 9, 1996, 20 Ill. Reg. 2278

10) Has JC&R issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 670.10(a), "Section 2.26" was put back in and "520 ILCS 5/2.26" was removed.

Section 670.40(a) was changed to read as follows:

The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during the archery season. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during the archery season may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers---An---; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

In Section 670.40(d), "Permits" was placed in lower-case.

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In Section 670.60(g), "Coffee Lake" language was shown with strike-outs.

In Section 670.60(g), "Shelbyville" language was shown with strike-outs.

In Section 670.60(i), "Coffee Lake State Fish and Wildlife Area" was added.

In Section 670.60(i), "Joliet Army" added "-first served" following "first come"

In Section 670.60(i), added "Little Vermilion (1) (4)"

In Section 670.60(i), "Mississippi Palisades" moved "(1)" to end of subsection.

In Section 670.60(i), added "Shelbyville Wildlife Management Area (1)"

In Section 670.60(k), "Clinton Lake" added "(1) (2) (3)" at end of subsection.

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to change site specific regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES CONSERVATION
 SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

- 670.10 Statewide Open Seasons and Counties
 670.20 Statewide Deer Permit Requirements
 670.21 Deer Permit Requirements - Landowner/Tenant Permits
 670.30 Statewide Legal Bow and Arrow
 670.40 Statewide Deer Hunting Rules
 670.50 Rejection of Application/Revocation of Permits
 670.55 Reporting Harvest
 670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective MAY 06 '96.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in ~~Chapter 617~~ Section 2.26 of the Wildlife Code apply in this rule.
 b) For Cook, DuPage, Kane and Lake counties - October 1 through the first Thursday after January 10.
 c) For all other counties - October 1 through the first Thursday after

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January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (Department or DNR) owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

6723

(Source: Amended at 20 Ill. Reg. 6723 effective MAY 06 '96)

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during the archery season. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during the archery season may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an ~~antlered-only~~ permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long. Recipients of the single either-sex or landowner/tenant Archery Deer Hunting Permit shall record their signature, hunting license number (unless exempt), and physical description on the permit and must carry it on their person while hunting. Holders of combination OTC permits shall record their name and address on the check station tag portions of their permit and must carry it on their person while hunting.
- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist, ~~furbuyer~~ or tanner for processing must supply the taxidermist, ~~furbuyer~~ or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, ~~furbuyer~~ or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are

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found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 20 Ill. Reg. 6723, effective MAY 06 1996)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Argyle Lake State Recreation Area (2)

- * Anderson Lake Fish and Wildlife Area (2)
- * Banner Marsh Fish and Wildlife Area (2)
- * Big Bend State Fish and Wildlife Area (1)(2)

Big River State Forest (2)

Cache River State Natural Area (1)(2)

Campbell Pond Fish and Wildlife Area (1)(2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl

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season)

Castle Rock State Park (1)(2)

~~Coffeeen-Bake-State-Fish-and-Wildlife-Area-(2)~~

Crawford County Conservation Area (1)(2)

Dog Island Wildlife Management Area (1)(2)

* Eldon Hazlet State Park (2)

Ferne Clyffe State Park (1)(2)

Fort de Chartres State Historic Site (1)(2)

Fort Massac State Park (1)(2)

* Franklin Creek State Park (2)

Giant City State Park (1)(2)

Heidecke State Fish and Wildlife Area (2)(3)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1)(2)

I-24 Wildlife Management Area (1)(2)

* Jubilee College State Park (2)(4)

Kaskaskia River Fish and Wildlife Area (1)(2), except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1)(2)

Lowden-Miller State Forest (1)(2)(4)

Mackinaw River Fish and Wildlife Area (1)(2)

Matseilles Wildlife Area (closed Friday, Saturday, and Sunday in October) (1)(2)

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Marshall Fish and Wildlife Area (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24

* Mt. Vernon Propagation Center (1)(2)

Oakford Conservation Area

Panther Creek Conservation Area (1)(2)

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1)(2)

Pere Marquette State Park (area east of Graham Hollow Road) (2)

~~Pike-County-Conservation-Area-(2)~~

Pyramid State Park (1)(2)

* Randolph County Conservation Area (1)(2)

~~Ray Norbut Conservation Area (2)~~

* Red Hills State Park (1)(2)

Rend Lake State Fish and Wildlife Area

Rice Lake Fish and Wildlife Area (2)

Saline County Fish and Wildlife Area (1)(2)

* Sam Parr State Park (1)(2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

* Shabbona Lake State Park (2)

~~Shelbyville-Wildlife-Management-Area-(1)~~

Siloam Springs State Park (1)(2)(4)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

* Silver Springs State Park (2)

Tapley Woods State Natural Area (1)(2)

Trail of Tears State Forest (1)(2)

Turkey Bluffs Fish and Wildlife Area (1)(2)

Union County Conservation Area (Controlled Goose Hunting Area - Open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing) (1)(2)

Walnut Point Fish and Wildlife Area (1)

* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1)(2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)

Rend Lake State Fish and Wildlife Area (designated area on refuge only, designated dates between October 1-October 31, 1996 December-15-17-1995)

Union County Conservation Area (designated areas only-October 27-29-1995) (last 3-day (Friday, Saturday and Sunday) weekend in October)

i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (except Inner Peninsula and Mascoutin areas) (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Hidden Springs State Forest (1)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration; additionally, wheelchair accessible blinds are available and will be allocated on a first come-first served basis until 12 noon to hunters with a Class P2A disability card) (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24)

Kickapoo State Park (1)

Little Vermillion (1)(4)

Maitino State Fish and Wildlife Area (1)

Mermet Lake Conservation Area (1)(2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Middle Fork Fish and Wildlife Area (1)

* Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

* Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest (1)

* Sangchris Lake State Park (1)(5)

Shelbyville Wildlife Management Area (1)

Site M (1)(4)

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

* Spring Lake Fish and Wildlife Area (1)

Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Witkowsky State Wildlife Area (1)

j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season. Tuesday hunting hours close at 2:00 p.m. and hunters must check out by 3:00 p.m. Season reopens on December 26 till close of regular season.

Green River State Wildlife Area (1)(2)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Park

DEPARTMENT OF NATURAL RESOURCES

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Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1)(2)

- k) Statewide regulations shall apply at the following sites except that hunter quotas are filled by mail-in drawing. Hunters must harvest one doe before being allowed to take an antlered deer.

Clinton Lake (Inner Peninsula and Mascoutin areas only) (1)(2)(3)

(Source: Amended at 20 Ill. Reg. 6723, effective MAY 06 1996)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles

- 2) Code Citation: 17 Ill. Adm. Code 660

- | | |
|----------------------------|------------------------|
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 660.10 | Amendments |
| 660.20 | Amendments |
| 660.22 | Amendments |
| 660.30 | Amendments |
| 660.40 | Amendments |
| 660.50 | Amendments |
| 660.60 | Amendments |

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- 5) Effective Date of Rulemaking: May 6, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: May 6, 1996

- 9) Notice of Proposal Published in Illinois Register: February 9, 1996, 20 Ill. Reg. 2303

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: In Section 660.22(a), a closing parentheses was added following "Sunday"

In Section 660.22(b), "RETURNED" was changed to "returned"

In Section 660.50(b), "Section 1.1, et seq., of" was deleted.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to change site specific regulations and to update references from Department of Conservation to Department of Natural Resources.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
660.22 Deer Permit Requirements - Special Hunts
660.25 Deer Permit Requirements - Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective MAY 06 1996.

Section 660.10 Statewide Season and Permit Quotas

- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend -- Thursday, Friday, Saturday and Sunday -- following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to sunset.
- b) Permit quotas shall be set by the Department of Natural Resources Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to muzzleloading rifle deer hunting.

(Source: Amended at 20 Ill. Reg. 6734, effective

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

MAY 06 10:00 AM '96

Section 660.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Natural Resources **Conservation**

(Muzzleloading Rifle)

Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, IL 62794-9227

b) Applications from residents shall be accepted through the last weekday in April of the current year. Applications received after the last weekday in April shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 1 and ending on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.

DEPARTMENT OF NATURAL RESOURCES

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e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning September 1. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).

f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.

g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to the last weekday in April of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.

h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing.

i) There will be an application period which starts September 1 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.

j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunting privileges revoked pursuant to Section 660.50.

3) The applicant must apply for the same county choice which he/she listed on the previous year's application.

4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

l) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 20 Ill. Reg. 6734, effective MAY 06 1996)

Section 660.22 Deer Permit Requirements - Special Hunts

a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 660.60(h).

Delair Division, Mark Twain National Wildlife Refuge (second 3-day (Friday, Saturday and Sunday) weekend in January) ~~first-3 days-only-additional-regulations-will-be-publicly-announced~~

b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources Conservation, or the application will be returned RETURNED. Applicants should not send cash with their application. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 20 Ill. Reg. 6734, effective MAY 06 1996)

Section 660.30 Statewide Muzzleloading Rifle Requirements

DEPARTMENT OF NATURAL RESOURCES

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a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)

b) The standards and specifications for use of such muzzleloading firearm are as follows:

1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.

2) The minimum size of the muzzleloading firearm projectile shall be .44 ~~+~~40 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.

3) Only black powder or a "black powder substitute" such as Pyrodex may be used.

4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.

5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 20 Ill. Reg. 6734, effective MAY 06 1996)

Section 660.40 Statewide Deer Hunting Rules

a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt), and physical description on the permit and must carry it on their person while hunting.

c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

of deer to a taxidermist--~~fur-buyer~~ or tanner for processing must supply the taxidermist--~~fur-buyer~~ or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist--~~fur-buyer~~ or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).

e) permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 20 Ill. Reg. 6734, effective MAY 06 1996)

Section 660.50 Rejection of Application/Revocation of Permits

a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit.

2) Submitting more application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20.

3) Applying prior to September 1 for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit.

4) Providing false and/or deceptive information on the deer permit application form.

5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.

b) Any violation of Section--~~217--et--seq~~--of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

per 17 Ill. Adm. Code 2530.

(Source: Amended at 20 Ill. Reg. 6734, effective MAY 06 1996)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in the following subsections that are followed by a (1).

c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).

d) Handicapped preferred hunting opportunities are provided at those sites listed in the following subsections that are followed by a (3).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in the following subsections that are followed by a (4).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in the following subsections that are followed by a (5).

g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Perne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

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Hamilton County Fish and Wildlife Area (1) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (closed during second firearm deer season) (1) (2) {6}

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2) {6}

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Pere Marquette State Park (hunting in designated area only) (2)

~~Pike-County-Conservation-Area-(2)~~

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

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Rend Lake Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sanganois Fish and Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 20 Ill. Reg. **6734**, effective MAY 06 1996)

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Records of Committed Persons

2) Code Citation: 20 Ill. Adm. Code 107

3) Section Numbers: Adopted Action:

107.10	Amend
107.15	Amend
107.20	Amend
107.100	Amend
107.105	Amend
107.110	Amend
107.120	Amend
107.140	Amend
107.145	Amend
107.150	Amend
107.160	Amend
107.180	Amend
107.200	Amend
107.205	Amend
107.210	Amend
107.300	Amend
107.305	Amend
107.310	Amend
107.320	Amend
107.330	Amend
107.400	Amend
107.405	Amend
107.430	Amend
107.440	Amend
107.500	Amend
107.505	Amend
107.520	Amend
107.560	Amend

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 3-6-3 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-6-3].

5) Effective Date of Amendments: May 5, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule amendment contain incorporation by reference? No

8) Date Filed in Agency's Principal Office: April 26, 1996

9) Notice(s) of Proposal Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 54

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference(s) between proposal and final version: There have been no substantive changes; only editorial changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rule is being amended consistent with two recent Illinois Supreme Court rulings. In *Barger v. Peters*, 163 Ill.2d 357, 645 N.E.2d 175 (1994), the court ruled that Public Act 88-311 violates the ex post facto prohibitions of the Federal and Illinois Constitutions with regard to those inmates who were convicted of an offense that was committed on or after September 10, 1990, to and including August 10, 1993, and who were or would have been eligible on August 10, 1993 for the 1.25 enhanced educational good conduct credit. This rulemaking sets forth eligibility criteria for persons affected by this ruling to receive the additional .25 days of good conduct credit for successful participation in educational programs. In the State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207 (1994), the court ruled that persons are ineligible for earned good conduct credits if they are serving a sentence for a conviction as a Class X felon rather than merely being sentenced as a Class X offender. Changes due to the new Truth in Sentencing Law, Public Act 89-0404, which became effective on August 20, 1995, regarding earning of good time are also included. In addition, statutory references have been updated, language has been clarified, and gender specific language has been updated to include references to females.

16) Information and questions regarding this adopted amendment shall be directed to:

<u>Name:</u>	Donald N. Snyder, Jr., Deputy Director
	Department of Corrections
<u>Address:</u>	1301 Concordia Court
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AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7], Sections 1-7, 5-33 and 5-35 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7, 5-33, and 5-35] and Section 2 of the County Jail Good Behavior Allowance Act [730 ILCS 130/2] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980).

SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg.

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16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective MAY 05 1996.

SUBPART A: ADMISSION DOCUMENTS

Section 107.10 Applicability

This Subpart applies to the Adult and Juvenile Divisions, and to the Community Services Division when sentences of periodic imprisonment are imposed.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.20 Required Admission Documents

- a) When a committed person is delivered to the custody of the Department, the following information must be included with items delivered pursuant to Sections 3-8-1, 3-10-1 and 5-4-1 of the Unified Code of Corrections ~~###-Rev:-Stat:-1991-CH-307-pars---1003-8-17--1003-10-1 and--1005-4-1~~ [730 ILCS 5/3-8-1, 3-10-1, and 5-4-1] and Section 5-33 of the Juvenile Court Act of 1987 ~~###-Rev:-Stat:-1991-CH-377-pars-805-33~~ [705 ILCS 405/5-33]:

- 1) The mittimus or judgment order which must include the indictment or petition number, sentence or disposition, offense, judge's name, date of sentence, dates for time served and, where applicable, whether the sentences are to be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the Juvenile Division legal custodian is also required.

- 2) Any statement by the court of the basis for imposing the

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sentence.

- 3) Any pre-sentence reports.
- 4) The number of days, if any, which the committed person has been in custody and for which he or she is entitled to credit against the sentence. Certification of jail credit time shall include any time served in the custody of the Illinois Department of Mental Health and Developmental Disabilities, time served in another state or federal jurisdiction, and any time served while on probation or periodic imprisonment.
- 5) A record of the committed person's time and 7 his or her behavior and conduct while in the custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, or suicide attempt, which might affect security status, and a record of medical treatment, if any, should be included in the record.
- 6) The State's Attorney's Statement of Facts. If the statement is unavailable at the time of delivery, the statement shall be transmitted within 10 days of receipt by the clerk of the court.
- 7) Any medical or mental health record or summaries.
- 8) The name of the municipality(ies) where the arrest of the committed person and the commission of the offense occurred, if such municipality(ies) has a population of more than 25,000 persons.
- 9) All additional matters which the court directs the clerk to transmit.
- b) If the required items listed in this Section are not received at the time of delivery of a committed person, admission to the Department's facilities may be denied.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

SUBPART B: DIMINUTION OF SENTENCE

Section 107.100 Applicability

This Subpart applies to the Adult, Juvenile, and Community Services Divisions. However, none of the provisions contained in this Subpart apply to:

- a) Persons who are committed to the Juvenile Division as delinquents;
- b) Persons who are committed to the Department as a result of a finding of contempt; or
- c) Persons who are serving sentences of periodic imprisonment in community correctional centers.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

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Section 107.105 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.110 Diminution of Felony Sentences

- a) Committed persons serving indeterminate sentences shall appear before the Prisoner Review Board prior to their parole eligibility date after having served their minimum sentence or 20 years (whichever is less), less applicable statutory good time, and compensatory good time, and/or good conduct credits.
- b) In the event a committed person must serve the maximum indeterminate sentence, he or she shall be released after serving the maximum of the sentence, less applicable statutory good time, and compensatory good time, and/or good conduct credits.
- c) A committed person serving a determinate sentence shall be released after serving his or her determinate sentence, less good conduct credits.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.120 Good Time Schedules Applicable to Felony Sentences

- a) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for persons sentenced prior to June 1, 1977, if the schedule contained in the table would be more beneficial than awarding day for day good conduct credits as of February 1, 1978.

Statutory Good Time Calculations for Those Sentenced Prior to June 1, 1977*

SENTENCE	TIME TO BE SERVED
1st year	11 months

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SENTENCE	TIME TO BE SERVED
2nd year	1 year and 9 months
3rd year	2 years and 6 months
4th year	3 years and 2 months
5th year	3 years and 9 months
6th year	4 years and 3 months
7th year	4 years and 9 months
8th year	5 years and 3 months
9th year	5 years and 9 months
10th year	6 years and 3 months
11th year	6 years and 9 months
12th year	7 years and 3 months
13th year	7 years and 9 months
14th year	8 years and 3 months
15th year	8 years and 9 months
16th year	9 years and 3 months
17th year	9 years and 9 months
18th year	10 years and 3 months
19th year	10 years and 9 months
20th year	11 years and 3 months

*AGENCY NOTE: On the maximum sentence, six months of good time is earned for each additional sentence year.

- b) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for all persons sentenced to the Department of Corrections on or after June 1, 1977, but prior to February 1, 1978, for establishing the time credit for that portion of the sentence which was served prior to February 1, 1978.

Statutory Good Time Calculations for Those Sentenced on or after June 1, 1977*

SENTENCE	TIME TO BE SERVED
1st year	9 months
2nd year	1 year and 6 months
3rd year	2 years and 3 months
4th year	3 years
5th year	3 years and 9 months

*AGENCY NOTE: Three months good time shall be earned for each additional sentence year.

- 1) For those persons whose sentences are calculated under the table in subsection (b) of this Section, the remaining portion of the sentence served on or after February 1, 1978, shall be credited

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with day for day good conduct credits.

- 2) For a person who is sentenced on or after June 1, 1977, but prior to February 1, 1978, for an offense committed prior to June 1, 1977, the table in subsection (a) of this Section shall be used if it would be more beneficial in calculating the minimum or and/or maximum sentence or both.

- c) Compensatory good time shall be earned on those indeterminate sentences or portions thereof which are calculated under the statutory good time tables. Compensatory good time shall normally be awarded at the rate of seven and one-half (7 1/2) days for each month in custody. Committed persons shall receive compensatory good time on a prorated basis during the month placed in and released from custody in accordance with the following table.

Prorated Compensatory Good Time

INCOMING FELONS

Day of Month Received	Days Credit	Scheduled Date of Release	Days Credit	New Release Date
2-4	6	1-4	0	1-4
5-9	5	5-9	1	4-8
10-14	4	10-14	2	8-12
15-19	3	15-19	3	12-16
20-24	2	20-24	4	16-20
25-28	1	25-28	5	20-23
29 plus	0	29 plus	6	23

RELEASED FELONS

- d) Committed persons shall not be eligible to receive compensatory good time against that portion of their sentence which is calculated under day for day good conduct provisions.

- 1) A committed person shall not be awarded compensatory good time for any month during which he or she is reported by his or her work or program supervisor for carelessness, negligence, or refusal to work, providing such action is recommended by the facility's Adjustment Committee and approved by the Chief Administrative Officer. No committed person shall lose any compensatory good time credits because he or she was unable to work or participate in a facility program through no fault of his or her own.

- 2) Any committed person placed in segregation or confinement for a period of three days or more during a given month pursuant to a hearing before an Adjustment Committee shall not be awarded compensatory good time for that month. However, no person shall lose compensatory good time for more than one month pursuant to such a hearing unless he or she is placed in segregation or confinement for at least 10 additional days during the second and

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subsequent months.

- 3) Any committed person placed on investigative status shall receive compensatory good time for that month if the investigation findings indicate that the committed person did not commit a violation.
- 4) Every committed person assigned to a community correctional center shall be credited with compensatory good time unless an Adjustment Committee finds that he or she has violated disciplinary rules.

- 5) Any awarded compensatory good time may not be revoked.

- e) Good conduct credits, with reference to the minimum and maximum sentences, shall be calculated by awarding one day of good conduct credit for each day served for all committed persons sentenced on or after February 1, 1978, if such credit would be more beneficial than statutory and compensatory good time credits. ~~Determinate--sentences entered--on--or--after--February--1--1978--shall--receive--day--for--day--good conduct--credits--~~

- f) Good conduct credits, with reference to determinate sentences entered on or after February 1, 1978, for offenses which were committed prior to August 20, 1995, shall be calculated by awarding one day of good conduct credit for each day served.

- g) Good conduct credits, with reference to determinate sentences for offenses committed on or after August 20, 1995, shall:

- 1) Not be awarded to any person for a term of imprisonment for first degree murder.

- 2) Be calculated by awarding 4.5 days per month for each month of imprisonment for persons serving a sentence for:

- A) Attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or

- B) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.

- 3) Be calculated by awarding one day of good conduct credit for each day served on the period of imprisonment or commitment as a parole or mandatory supervised release violator for all offenses not listed in subsections (1) or (2) of this subsection (g).

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

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Section 107.140 Concurrent Sentences

When a committed person already subject to a sentence receives one or more concurrent sentences, he or she shall receive credit on the subsequently imposed sentences from the date of sentencing.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996.)

Section 107.145 Earned Good Conduct Credits

Committed persons who are enrolled in full-time substance abuse programs, correctional industry assignments, or vocational or academic educational programs approved by the Department may be eligible to receive earned good conduct credits in addition to good conduct credits awarded in accordance with this Part. Earned good conduct credits shall be awarded at the applicable rate of ~~25 days prior to August 11, 1999 and earned good conduct credits shall be awarded at the rate of 50 days on or after August 11, 1999~~ for each day during which program goals have been achieved in accordance with 20--Ill--Adm--Code 107- Subpart F of this Part.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996.)

Section 107.150 Revocation of Statutory Good Time and Good Conduct Credits

- Any committed person who is found guilty of misconduct, or violating departmental rules or the terms of parole or mandatory supervised release may lose statutory good time or good conduct credits.
- Statutory good time may be revoked at the discretion of the Director upon the recommendation of the Adjustment Committee and the Chief Administrative Officer, or the Deputy Director Administrator of the Community Services Division.
- A maximum of 30 days of good conduct credits may be revoked from any committed person at the discretion of the Director during any 12 month period. If the amount of credit at issue exceeds 30 days or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days, the Department shall submit its recommendation to revoke good conduct credits to the Prisoner Review Board for approval.
- When an infraction is committed or discovered within 60 days prior to of a committed person's scheduled release, the Department may revoke up to 30 days of good conduct credits without approval of the Prisoner Review Board. If the Department seeks to revoke more than 30 days, its recommendation for revocation of the additional good conduct credits shall be submitted to the Prisoner Review Board for its approval.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996.)

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Section 107.160 Restoration of Statutory Good Time and Good Conduct Credits

- Statutory good time or good conduct credits may be restored by the Director, either by his or her own action or upon the recommendation of:

- The Administrative Review Board,
- The Adjustment Committee and the Chief Administrative Officer, or
- The Deputy Director Administrator of the Community Services Division.

- In determining whether or not to restore good conduct credits or statutory good time, the Director may consider, among other matters:

- The nature of the incident which served as the basis for the loss of good time;
- The disciplinary proceedings which led to the revocation of good time;
- The complete master record file of the committed person;
- Any specific report or recommendation made concerning the committed person;
- The committed person's entire disciplinary record;
- The job performance of the committed person while in the custody of the Department;
- The educational program or achievements of the committed person while in the custody of the Department;
- The action of the committed person in:

- Saving the life of an employee or other committed person;
- Performing heroic service during a flood, tornado, or act of God;
- Volunteering for an exceptionally hazardous or dangerous assignment; or
- Assisting in maintaining control during a general disturbance.

- A maximum of 30 days of good conduct credits may be restored to a committed person at the discretion of the Director during any 12 month period. If the amount of credit recommended for restoration exceeds 30 days, such request for restoration shall be submitted by the Director to the Prisoner Review Board. The Board may not restore more good conduct credits to a committed person than is recommended. Notification of the decision of the Director or the Prisoner Review Board shall be provided to the committed person.

- The committed person may petition not more frequently than every three months through the Adjustment Committee for restoration of statutory good time or good conduct credits, stating the rationale for restoration. If the Adjustment Committee recommends the restoration of good time, said recommendation shall be forwarded through designated channels to the attention of the Director. Notification of the Director's decision shall be given to the committed person.

(Source: Amended at 20 Ill. Reg. 6745, effective

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MAY 0 5 1996**Section 107.180 Misdemeanant Good Time Allowance**

a) Misdemeanant good time behavior allowance shall be awarded for each month or 30 day unit as follows:

- 1) Four days for the first month.
- 2) Six days for each of the second, third, fourth, fifth, and sixth months or units of sentence.
- 3) Eight days for each of the second six months or units of sentence.

b) Misdemeanant good time may be revoked or ~~and/or~~ withheld as a result of a disciplinary infraction.

c) Misdemeanants are not eligible to receive compensatory good time credit on their sentences.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 0 5 1996.)

SUBPART C: MERITORIOUS GOOD TIME

Section 107.200 Applicability

This Subpart applies to the Adult, Juvenile, and Community Services Divisions.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 0 5 1996.)

Section 107.205 Responsibilities

a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 0 5 1996.)

Section 107.210 Awarding of Meritorious Good Time

a) In determining whether or not to award good conduct credits for

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meritorious service, the Director may examine or consider, among other matters:

- 1) The complete master record file of the committed person.
- 2) Reports or recommendations made concerning the committed person.
- 3) The fact that the committed person has not violated any rule of the Department over a period of time.
- 4) The job performance of the committed person while in the custody of the Department.
- 5) The educational program or achievements of the committed person while in the custody of the Department.
- 6) The action of the committed person in:
 - A) Saving the life of an employee or other committed person;
 - B) Performing heroic service during a flood, tornado, or act of God;
 - C) Volunteering for an exceptionally hazardous or dangerous assignment; or
 - D) Assisting in maintaining control during a general disturbance.

b) The decision to grant meritorious good time may be initiated unilaterally by the Director.

c) In addition, petitions for granting meritorious good time may be submitted by any committed person or by any person or persons in the employ of the Department of Corrections on behalf of any committed person.

d) No committed person shall be granted more than 180 days of meritorious good time during a term of incarceration.

e) No persons who are committed for the following offenses shall be awarded more than 90 days of meritorious good time during a term of incarceration: first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, aggravated criminal sexual assault, criminal sexual abuse, assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering.

f) No persons who are serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995, shall be awarded any meritorious good time:

- 1) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or
- 2) Home invasion, armed robbery, aggravated vehicular hijacking,

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aggravated discharge of a firearm, or armed violence with a category 1 weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.

- g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for meritorious good time.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

SUPPORT D: MAINTENANCE OF RECORDS

Section 107.300 Applicability

This Subpart applies to all divisions and bureaus of the Department.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.305 Responsibilities

- Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.310 Access to Records

- The master record files of committed persons shall be confidential and access shall be limited to authorized persons. Committed persons shall not be permitted access to their master record files except as expressly permitted by law or this Subpart.
- Medical records shall be disclosed to a committed person or to his or her authorized attorney upon receipt of a written request for the information and a release signed by the committed person. The medical records of a deceased committed person shall be released upon tender of letters of office from the Executor or the Administrator of the person's estate, or if no estate is required by law to be opened, then

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- Personnel of other correctional, welfare, educational, or law enforcement agencies may have access to a committed person's files as approved by the Chief Administrative Officer. The use and redisclosure of such files shall be consistent with applicable State and federal laws.

- Access to the master record file of a person no longer in custody of the Department shall be provided in accordance with procedures applicable to committed persons.

- The Department may require payment of copying costs for any records produced.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division - Court Agreement

a) Definitions

- Youth -- A person who is or has been committed to the Illinois Department of Corrections, Juvenile Division, pursuant to Section 5-33 of the Juvenile Court Act of 1987 (1991-Rev. Stat. 1991-CH 977-PAR--005-33) [705 ILCS 405/5-33] or Section 5-8-6(c) of the Unified Code of Corrections (1991-Rev. Stat. 1991-CH 387-PAR--1005-8-6(c)) [730 ILCS 5/5-8-6(c)]. This Section does not apply to record access for deceased youths.
- Parent -- The natural mother or father or an adoptive parent of a youth, except a natural or adoptive parent whose parental rights have been terminated by Sections 2-29, 3-30, 4-27, or 5-31 of the Juvenile Court Act of 1987 (1991-Rev. Stat. 1991-CH 977-PAR--002-29, 1991-CH 977-PAR--004-27, 1991-CH 977-PAR--005-31) [705 ILCS 405/2-29, 3-30, 4-27, or 5-31] or Section 17 of the Adoption Act (1991-Rev. Stat. 1991-CH 407-PAR--1521) [750 ILCS 50/17].
- Guardian -- Individual(s) appointed by courts as guardian of the youth.
- Authorized attorney -- A lawyer authorized in writing by the youth to inspect and copy his or her master record file; or a lawyer appointed by a court as attorney for a youth.
- Records subject to inspection and copying -- This information is contained in the following documents: discharge order, face sheet, cancellation of warrants, warrants for apprehension, administrative-statewide transfer order, order of temporary transfer, dispositional order, court writs, preliminary hearing of parole violation, notice of charges, notification of alleged parole violations, police reports, report on youth's return to reception center, verification of birthdate, medical and dental records, reception center testing, academic assessments, vocational goals inventory, Department of Vocational

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Rehabilitation referrals, chronological recording of activities and treatment by counselor assigned, monthly staffing conference reports, physical exam, medications record, immunization cards, special concerns, consent for treatment, release of medical information, monthly progress reports, group life adjustment, daily conduct reports, achievements, summary letters to Prisoner Review Board, academic or vocational ~~academic/vocational~~ progress reports, program assignment record, institutional goals and treatment plan, performance agreements, commendation reports, reports of disciplinary action, letters to and from institution requesting information, trust fund records, youth's transfer request, medical referrals, administrative memos, unusual incident reports, clinical transfer orders or action requests, authorized absence requests-approvals, correspondence, youth advocate's reports, notice of eligibility for parole, requests for special action, medical restrictions, illness and injuries record, school transcript, Prisoner Review Board sheet, official notice of parole, special orders and orders rescinding parole, clothing inventory, and personal property inventory.

6) Records subject to inspection and copying with professional guidance -- This information is contained in the following documents: assessment and assignment report, special case review, intake worksheet, social history, chaplain's reports, psychological evaluation and classification reports, psychiatric evaluation report, clinical correspondence and clinical reports from other agencies, psychiatric reports, administrative reviews, annual reviews, special case reviews, notice of eligibility of parole-narrative progress report, diagnostic treatment note(s), and psychological consultation referral(s).

7) Information not subject to inspection and copying by a youth, a parent or a non-institutional guardian -- Information reported in records contained in a master record file, the disclosure of which a clinician certifies in writing would result in a specific harm to the youth, a parent or a non-institutional guardian.

8) Clinician -- A psychiatrist, psychologist, or physician employed by the Department of Corrections.

9) Authorized personnel of the Department -- All program or security personnel in the institutional or field services divisions of the Illinois Department of Corrections.

10) Other correctional, welfare and law enforcement agencies -- Agencies designated in writing from time to time by the Director or the Deputy Director of the Juvenile Division of the Illinois Department of Corrections subject to Section 1-7 of the Juvenile Court Act of 1987 (~~1987-Rev-Stat-1991-CH-377-par-001-7~~) [705 ILCS 405/1-7].

11) Receiving agencies -- A Department or agency to whom custody of a youth is transferred by administrative order to the Juvenile Division or by a court order.

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b) Rights of and Limitations on Record Access

1) A youth, an authorized attorney, a parent, a guardian, personnel of other correctional, welfare or law enforcement agencies or receiving agencies may inspect and copy all records contained in the person's master record file, provided:

A) The youth consents in writing to the inspection and copying of such records by an authorized attorney, a parent or non-institutional guardian;

B) That information not subject to inspection and copying may be deleted from records otherwise available to a youth, a parent or a non-institutional guardian in accordance with procedures established in subsection (b) of this Section.

2) Authorized personnel of the Department may inspect and copy records.

3) All requests by the youth, authorized attorneys, parents and non-institutional guardians to copy or inspect file material shall be made in writing.

4) The Juvenile Division shall comply with all written requests for records subject to inspection and copying within 15 days, and with all written requests for records subject to inspection and copying with professional guidance within 30 days, upon payment of copying costs except where waived by the Department upon a showing of indigency by the youth, parent, non-institutional guardian, or authorized attorney.

c) Processing of Requests for Record Access

1) With regard to the master record files of youths in Illinois Youth Center facilities or on authorized absence from, or transferred to an Illinois Department of Mental Health and Developmental Disabilities facility from a Juvenile Division facility:

A) All written requests for inspection and copying should be directed to the Chief Administrative Officer of the Illinois Youth Center facility.

B) The youth's assigned counselor or other program staff person:

i) Will examine the records for information believed to be not subject to inspection and copying by a youth, a parent or guardian, and arrange for a clinician to review such records in accordance with procedures established in subsection (c)(4) of this Section.

ii) Will forward copies of the records to requesting authorized attorney, parent, or non-institutional guardian upon payment or waiver of the costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; and a youth, a parent, or a non-institutional guardian will be notified of a date, time and place of a conference

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at which records subject to inspection and copying with professional guidance may be inspected or copied or both, and at which conference the counselor or other staff person will explain in detail the meaning of such records.

- 2) With regard to the master record files of youths currently on parole:

A) All requests for inspection and copying should be directed to the Chief Administrative Officer of the institution from which the youth was paroled. ~~Illinois Youth Center--at--St. Charles--regarding--male--parolees--and--to--the--Chief Administrative Officer--of--the--Illinois--Youth--Center--at Warrenville--regarding--female--parolees~~

B) The Chief Administrative Officer: ~~the youth's correctional parole agent or other program staff person;~~

- i) Will examine the records for information believed to be not subject to inspection and copying by youth, a parent or a guardian and arrange for a clinician to review such records in accordance with procedures established in subsection (c)(4) of this Section;

- ii) Will forward copies of records to the requesting youth, authorized attorney, parent or non-institutional guardian upon payment or waiver of costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; a youth, a parent, or a non-institutional guardian will be notified of a date, time and place of a conference at which records subject to inspection and copying with professional guidance may be inspected or ~~and/or~~ copied or both and at which conference the correctional parole agent or other staff person will explain in detail the meaning of such records.

- 3) With regard to the master record files of persons formerly committed to the Juvenile Division:

A) All requests for inspection and copying should be directed to the supervisor of the microfilm center in Springfield.

B) The supervisor will contact the Chief Administrative Officer of the institution from which the youth was released or paroled. ~~arrange for the youth's correctional parole agent or other program staff person to process the record access request as provided in subsection (c)(2)(B) of this Section.~~

- 4) A clinician shall examine all records submitted for review. If the clinician certifies in writing that the disclosure to a youth, a parent, or a non-institutional guardian of information would result in a specific harm to such individuals:

A) The information may be deleted from records inspected and

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copied by the individuals who would be harmed;

B) The clinician's certificate shall be attached to such records inspected and copied by all individuals.

- 5) The Juvenile Division shall maintain a record in each master file which indicates:

A) The parties who have requested to inspect or copy records from the master record file;

B) The records inspected or copied from the master record file. Before this Section of the Subpart may be modified, the Legal Staff shall be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without the approval of the court.

(Source: Amended at 20 Ill. Reg. 6745, effective

MAY 05 1996)

Section 107.330 Release of Clinical Records to Committed Persons and Authorized Attorneys (Adult Division) - Court Agreement

a) Definitions

1) Committed Person -- A person who is or has been in the custody of the Illinois Department of Corrections, Adult Division.

2) Authorized Attorney -- Any attorney authorized in writing by the committed person to inspect and copy his clinical records.

3) Clinical Records -- Any mental health record prepared by a therapist in the course of providing mental health services to a committed person, which is maintained by the Department of Corrections. Clinical record does not include the therapist's personal notes, if such notes are kept in the therapist's sole possession for his or her own personal use and are not disclosed to any other person, except the therapist's supervisor, consulting therapist, or attorney. If at any time such notes are otherwise disclosed, they shall be considered part of the committed person's record for purposes of this Section. Clinical record does not include testing material used in the course of providing services if the disclosure of such material would compromise the objectivity or fairness of the testing process.

4) Information not subject to inspection and copying by a committed person -- Information contained in clinical records, the disclosure of which a therapist certifies in writing is likely to result in physical harm to the committed person, other committed persons or Department employees, contractors, or volunteers.

5) Therapist -- A psychiatrist, physician, psychologist, counselor, social worker, or nurse providing mental health services.

6) Mental Health Services -- psychiatric or psychological evaluation or treatment, or pharmaceuticals, or developmental disabilities programming.

b) Rights of and Limitations on Record Access

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1) A committed person or authorized attorney may have access to and copy all clinical records contained in any file maintained by the Department of Corrections, provided:

- A) The committed person consents in writing to the access to and copying of such records by an authorized attorney; and
- B) Information not subject to access and copying by a committed person may be deleted from records otherwise available to a committed person in accordance with procedures established in this Section. ~~E)~~ Information not subject to access and copying by a committed person shall be made available to an authorized attorney provided the attorney agrees in writing not to disclose that information to the committed person or any other person who may redisclose it to the committed person.

2) All requests by the committed person and authorized attorneys to inspect or copy clinical records must be made in writing and must contain a release of the Department of Corrections and its employees from any liability to the committed person as a result of disclosure ~~or~~ dissemination of the records or the information contained therein, resulting from the access permitted to the authorized attorney ~~or~~ and/or committed person.

3) The Adult Division shall comply with all written requests for records:

- A) By promptly producing copies of records after either payment of copying costs by the committed person or authorized attorney or a waiver of costs by the Department. Costs shall be waived upon a showing of the committed person's indigency. The determination of indigency shall be made promptly by the officers to whom the written request is sent, in accordance with subsection (c)(1) of this Section; or
- B) By promptly making the requested records available for inspection.

c) Processing of Requests for Record Access

1) All written requests:

- A) With regard to the clinical records of committed persons currently committed to an Adult Division facility should be directed to the Chief Administrative Officer of the institution in which the person resides;
- B) With regard to the clinical records of committed persons on authorized absence from an Adult Division facility or transferred to an Illinois Department of Mental Health and Developmental Disabilities facility should be directed to the Chief Administrative Officer of the institution in which the person last resided;

C) With regard to the clinical records of committed persons currently on parole should be directed to the Chief Administrative Officer of the institution from which the

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person is paroled; and

D) With regard to the clinical records of persons formerly committed to the Adult Division should be directed to the supervisor of the microfilm center in Springfield.

2) Upon receipt of the request for records, the records office supervisor, supervisor of the microfilm center, or a designee, shall either:

- A) Promptly make the records available for inspection by the committed person or authorized attorney; or
- B) Promptly forward copies of the records to the committed person or authorized attorney after payment or waiver of the costs.

3) The author of the reports or, if the original author is unavailable, a qualified therapist, may examine all records requested.

A) If the author or another therapist certifies in writing that the disclosure of information to a committed person is likely to result in physical harm to committed persons or other persons:

- 1) A) The information may be deleted from the records disclosed to the committed person; and
- ii) B) The author's or therapist's certificate shall be attached to such records inspected and copied by all persons.

B) ~~E)~~ If a document contains information certified to be likely to result in physical harm to the committed person or others, only the information so certified may be deleted from the records disclosed to the committed person.

4) The Adult Division shall maintain a record in each committed person's file which indicates:

- A) The parties who have requested to inspect or copy clinical records; and
- B) The clinical records inspected or copied.

d) Before this Section of the Subpart is modified, Department legal staff must be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without approval of the court.

(Source: Attended at 20 Ill. Reg. 6745, effective MAY 05 1996)

SUBPART E: ACCESS AND REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

Section 107.400 Applicability

This Subpart applies to correctional facilities within the Adult, Juvenile, and Community Services Divisions ~~of the Department of Corrections~~ ~~(Department)~~.

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(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.405 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.430 Requests for Access and Review

- a) A request to obtain access to and review Criminal History Record Information, local, state, or federal, shall be made in writing to the office designated by the Chief Administrative Officer.
- b) A staff member shall inform the committed person of any applicable fees and assist the committed person in completing and processing all applicable forms.
- c) Upon receipt by the facility of the transcript of the Criminal History Record Information, the committed person shall be allowed to review the transcript while in the presence of a staff member.
- d) The committed person shall, upon request, be provided with a copy of the transcript which has been stripped of all personal identifiers, including, but not limited to, the names and addresses of the committed person, victims, or witnesses.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.440 Challenge of Record

- a) If a committed person is not satisfied that his or her Criminal History Record Information is accurate, he or she may submit a written request to challenge the record.
- b) A staff member shall advise the committed person of the challenge, appeal and complaint process and shall assist him or her in preparing the appropriate forms for submission.
- c) If the criminal history record is corrected, the committed person may submit a written request for a listing of all non-criminal justice

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agencies that have received a copy of his or her criminal history record.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

SUBPART F: EARNED GOOD CONDUCT CREDITS

Section 107.500 Applicability

This Part applies to the Adult, Juvenile, and Community Services Divisions of the Department.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.505 Responsibilities

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or program administrator may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a rule in this Subpart specifically states the Director, Chief Administrative Officer, or program administrator shall personally perform the duties. However, the Director, Chief Administrative Officer or program administrator may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 05 1996)

Section 107.520 Eligibility

- a) Committed persons who, on or after August 11, 1993, are engaged full-time in substance abuse programs, correctional industry assignments, or academic or vocational education programs approved by the Department shall be eligible to receive earned good conduct at the rate of .50 a day provided:
 - 1) They are eligible to receive good time in accordance with 20 Ill. Adm. Code 107. Subpart B;
 - 2) They are not committed as habitual juvenile offenders or violent juvenile offenders;
 - 3) They are not assigned to a boot camp or electronic detention program or a mental health unit;
 - 4) They are not serving a sentence for a conviction for first degree murder, a Class X felony, criminal sexual assault, felony

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criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or attempt, solicitation, or conspiracy to commit any of the foregoing offenses;

- 5) They are not serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995:

A) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or

B) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim;

- 65) They have not been convicted of a felony committed after they have received a previous award of educational or earned good conduct credits;

76) They have not previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility;

- 87) They achieve the goals established by the Department within a specified time period; and
- 98) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

b) Committed persons who are not eligible under subsection (a) of this Section and who enroll full-time in an academic or vocational education program approved by the Department shall be eligible to receive earned good conduct credits at the rate of .25 provided:

- 1) They are eligible to receive good time in accordance with 20 Ill. Adm. Code 107-Subpart B;

2) The offense for which they were convicted was committed on or after September 10, 1990, up to and including August 10, 1993;

- 3) They have not been convicted of first degree murder, second degree murder, or a Class X felony;

4) They have not been convicted of a felony which was committed after a previous award of educational or earned good conduct credits;

- 5) They achieve the educational goals established by the Department within a specified time period; and

6) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

cb) Full-time assignment to a program for which a committed person may be eligible to receive earned good conduct credits shall mean:

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- 1) The committed person is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours a week;
- 2) The committed person is normally scheduled to work with or receive job training from correctional industries at least four hours a day, five days per week; or
- 3) The committed person is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours a week; or the committed person is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester.

de) Committed persons shall only be eligible to receive earned good conduct credits for participation in one full-time program or assignment at a time.

(Source: Amended at 20 Ill. Reg. _____, effective 6745, MAY 05 1996)

Section 107.560 Award of Earned Good Conduct Credits

Within 15 working days, whenever feasible, after completion of the goal period or removal from the program, the program administrator or Chief Administrative Officer shall:

- a) Determine whether the committed person achieved the required goals or was making satisfactory progress toward achieving such goals in accordance with Section 107.550(f).

b) Document the determination of ineligibility or the number of calendar days during the goal period for which the committed person is eligible to receive earned good conduct credits. The days eligible for the award shall be the number of calendar days during the goal period, less the total number of days of lockdowns, days the committed person was absent, and days in which class or the program assignment was cancelled.

- c) Ensure good conduct credits earned are computed at the appropriate rate, .25 or .50, in accordance with Section 107.520(a) or (b).

1) Prior-to-August-117-1993--the-rate-is-.25-

2) On-or-after-August-117-1993--the-rate-is-.50-

- d) The award of earned good conduct credits shall be subject to the review and approval of the Director. A copy of the award of earned good conduct credits shall be filed in the committed person's master record file.

e) Committed persons shall be advised in writing of the award of earned good conduct credits or the determination of ineligibility of the award.

f) Committed persons may grieve the decision not to award earned good conduct credits under 20 Ill. Adm. Code 504-Subpart F.

- g) New goal periods and goals shall be established upon continued placement or re-enrollment in educational programs or continued

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placement in substance abuse programs or correctional industry assignments in accordance with this Subpart.

(Source: Amended at 20 Ill. Reg. 6745, effective MAY 0-5-1996)

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1) Heading of the Part: Secure Residential Youth Care Facilities

2) Code Citation: 20 Ill. Adm. Code 801

3) Section Numbers: Adopted Action:

801.30	New
801.40	New
801.50	New
801.60	New
801.70	New
801.80	New
801.90	New
801.100	New
801.110	New
801.120	New
801.130	New
801.140	New
801.150	New
801.160	New
801.170	New
801.180	New
801.190	New
801.200	New
801.210	New
801.220	New
801.230	New
801.240	New
801.310	New
801.315	New
801.320	New
801.325	New
801.330	New
801.340	New
801.350	New
801.360	New
801.370	New
801.380	New
801.390	New
801.400	New
801.410	New
801.420	New
801.430	New
801.440	New
801.450	New
801.460	New
801.470	New
801.480	New
801.490	New

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- 7) Does this rule (amendment, repealer) contain incorporation by reference?
No
- 8) Date Filed in Agency's Principal Office: April 26, 1996
- 9) Notice(s) of Proposal Published in Illinois Register: January 26, 1996, 20 Ill. Reg. 1371
- 10) Has JCRC issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: The contents of reports and forms required under these rules has been included; facilities are required to certify rather than provide documentation of compliance with all applicable laws and ordinances; a provision for the Department to waive all or a portion of the standards if the requirements are substantially met and the safety and security of the facility or of any person is not endangered; standards for exercise of discretion have been added, where applicable; clarifications regarding health care, education, and release have been made as well as language clarifications throughout the rule.
- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rulemaking establishes the licensing requirements and operational standards for Secure Residential Youth Care Facilities. Such facilities will provide a secure residential setting for the care, treatment, and custody of youth adjudicated delinquent who have been transferred to the custody of the Department under Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: Donald N. Snyder, Jr., Deputy Director
Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

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- 801.500 New
- 801.510 New
- 801.520 New
- 801.530 New
- 801.540 New
- 801.550 New
- 801.560 New
- 801.570 New
- 801.580 New
- 801.590 New
- 801.600 New
- 801.610 New
- 801.620 New
- 801.630 New
- 801.640 New
- 801.650 New
- 801.660 New
- 801.670 New
- 801.680 New
- 801.690 New
- 801.700 New
- 801.710 New
- 801.720 New
- 801.730 New
- 801.740 New
- 801.750 New
- 801.760 New
- 801.770 New
- 801.780 New
- 801.790 New
- 801.800 New
- 801.810 New
- 801.820 New
- 801.830 New
- 801.840 New
- 801.850 New
- 801.860 New
- 801.870 New
- 801.880 New
- 801.890 New

- 4) Statutory Authority: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER h: MISCELLANEOUS STANDARDS

PART 801

SECURE RESIDENTIAL YOUTH CARE FACILITIES

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801.10	Designees
801.15	Definitions
801.20	Variances and Waivers
801.25	Licenses Required
801.30	Application Fee
801.40	Application for License
801.50	Licensing Requirements
801.60	Responsibilities of the Governing Body
801.70	On-site Inspection of Programs, Security, and Operations
801.80	Background Investigations
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801.100	Confidentiality of Personnel Information Received
801.110	Permits
801.120	Expedited Permits
801.130	Application for Renewal of License
801.140	Grounds for Revocation, Termination, or Refusal to Issue or Renew a License, Permit, or Expedited Permit
801.150	Complaints Concerning Licensees
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801.170	Concerning Licensees
801.180	Disposition of Complaints, Potential Deficiencies, or Violations
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801.200	Conditional License
801.210	Closure Order
801.220	Procedure for Revocation or Refusal to Renew a License
801.230	Licensing Hearing
801.240	Operation Without a License, Permit, or Expedited Permit
	Severability of this Part

SUBPART B: OPERATING STANDARDS

Section	Applicability
801.310	Designees
801.315	Definitions
801.320	Purpose and Mission
801.325	Admission and Release Policy
801.330	

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801.340	Administration
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801.360	Media Access
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801.380	Insurance
801.390	Funds and Property of Youth
801.400	Personnel
801.410	Training and Staff Development
801.420	Records of Youth
801.430	Juvenile Tracking System
801.440	Research
801.450	Volunteers
801.460	Capacity
801.470	Physical Plant
801.480	Accessibility to Individuals with Disabilities
801.490	Supervision of Youth
801.500	Security Procedures
801.510	Use of Force
801.520	Youth Counts
801.530	Youth Movement
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801.690	Bedding, Linen, and Clothing
801.700	Personal Hygiene
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801.780	Health Records
801.790	Youth Admission and Case Management
801.800	Classification, Program, and Treatment
801.810	Social and Psychological Service Programs

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801.820 Education
 801.830 Library Services
 801.840 Recreation and Leisure Time Activities
 801.850 Religious Programs
 801.860 Mail
 801.870 Telephones
 801.880 Visits
 801.890 Release

AUTHORITY: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

SOURCE: Emergency rule added at 19 Ill. Reg. 16856, effective December 7, 1995, for a maximum of 150 days; adopted at 20 Ill. Reg. 6772, effective MAY 05 1996.

SUBPART A: LICENSING PROCEDURES

Section 801.10 Applicability

This Subpart applies to any person, group of persons, corporations, or entity other than an Illinois Department of Corrections facility which intends to develop, establish, maintain, or operate a secure residential youth care facility in the State of Illinois.

Section 801.15 Designees

Unless otherwise specified, whenever a title such as Director or Deputy Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

Section 801.20 Definitions

"Act" means the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

"Charges" means a written statement of findings of non-compliance issued by the Department against a licensee for the purpose of an administrative hearing.

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure residential youth care facilities.

"Conditional License" means a temporary license issued to any secure residential youth care facility holding a license under the Act for

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which a formal finding of a violation of licensing procedures or standards or federal, State, or local laws has been made by the Department. A conditional license is a nonrenewable license which is issued for a period of six months.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

"Department" means the Illinois Department of Corrections.

"Deputy Director" means the Deputy Director of the Juvenile Division of the Department.

"Director" means the Director of the Department.

"Drug test" means a urinalysis or blood test conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

"Expedited permit" means a document issued by the Department to allow an applicant who is licensed by the Illinois Department of Children and Family Services as a child care residential facility to operate a secure residential youth care facility for a six-month period while providing a reasonable time to become eligible for a license, if applicable. This term also includes any emergency permit issued under provisions of previous rules in this Part.

"Finding" means a report of results of an investigation of a complaint or of grounds for revocation or termination by staff authorized by the Director.

"Governing body" means the board of directors of a corporation or partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

"Hearing" means any formal proceeding held by the Department regarding the revocation of a license or refusal to renew a license to operate a secure residential youth care facility.

"Insolvent" means:

with regard to entities other than partnerships, the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to

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hinder, delay, or defraud its creditors; or

with regard to a partnership, the sum of the partnership's debts is greater than the aggregate of:

all of the partnership's property, at fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors; and

the sum of the excess of the value of each general partner's nonpartnership property, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors, over such partner's nonpartnership debts.

"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department or local regulatory or law enforcement agency's rules and regulations or with federal, State, and local laws.

"License" means a document issued by the Department to allow the applicant to establish or operate a secure residential youth care facility.

"Licensee" means those individuals, agencies, or organizations who hold a license, a conditional license, a permit, or an expedited permit.

"Licensing Administrator" means Department staff authorized by the Director to oversee the licensing process and operations of secure residential youth care facilities holding a license, permit, or expedited permit.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for a license, permit, or expedited permit.

"Licensing study" means the formal review of the application for a license or license renewal for a secure residential youth care facility by an authorized licensing representative. The study shall include an on-site visit of the premises and a review of the facility records as the Department considers necessary in determining that the facility meets or continues to meet licensing procedures and standards contained in this Part.

"Minor traffic violation" means any traffic violation which resulted in a fine of \$100.00 or less without any other penalty, such as suspension or revocation of the driver's license, probation, jail

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sentence, or community service work.

"Permit" means a one-time document issued by the Department for a six-month period to allow a new licensing applicant or the holder of an expedited permit to become eligible for a license.

"Plan" means the facility's written policy, procedures, and practices in a particular area.

"Secure residential youth care facility" as defined in the Act means a facility, or portion thereof:

where youth are placed and reside for care, treatment, and custody;

that is designed and operated so as to ensure that all entrances and exits from the facility, or from a building or distinct part of a building within the facility, are under the exclusive control of the staff of the facility, whether or not the youth has freedom of movement within the perimeter of the facility or within the perimeter of a building or distinct part of a building within the facility; and

that uses physically restrictive construction including, but not limited to, locks, bolts, gates, doors, bars, fences, and screen barriers. This definition does not include jails, prisons, detention centers, or other correctional facilities; State operated mental health facilities; or facilities operating as psychiatric hospitals under a license pursuant to the Nursing Home Care Act [210 ILCS 45] or the Hospital Licensing Act [210 ILCS 85]. [730 ILCS 175/45-10]

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications.

"Variance" means the temporary waiver by the Deputy Director of one or more of the standards prescribed in this Part for a specific period of time.

"Waiver" means the waiver by the Deputy Director of one or more of the standards prescribed in this Part for the term of the license.

"Youth" as defined in the Act means an adjudicated delinquent who is 18 years of age or under and is transferred to the Department pursuant to Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

Section 801.25 Variances and Waivers

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- a) Requests for variances or waivers from compliance with any Section in this Part shall be submitted in writing to the Deputy Director for review and decision. The request shall contain a detailed description of the requested variance or waiver, an explanation of why such a variance or waiver is deemed necessary, and an indication of why strict compliance with the particular standard would result in undue hardship.
- b) Variances may be granted for specific time periods pending compliance. Waivers may be granted for the term of the license. However, no variance or waiver will be granted if:

- 1) The Deputy Director determines that the variance or waiver would jeopardize the safety, security, or programming of the facility; or
 - 2) The variance or waiver involves compliance with local building, zoning, health, sanitation, or other safety requirements as specified by federal, State, or local laws or compliance with the fire safety requirements of the State Fire Marshal, unless the facility submits written approval obtained directly from the other relevant regulatory body.
- a) Any person, group of persons, corporation, or other entity who or which receives youth or arranges for care and placement of one or more youth unrelated to the operator and who desires to develop, establish, maintain, or operate a secure residential youth care facility, except for Department-run facilities, must obtain a license, permit, or an expedited permit from the Department prior to commencing operations.
- b) Before a license, permit, or expedited permit may be granted, the licensing applicant must certify its compliance with federal, State, and local laws as well as all applicable building, zoning, planning, land use, health, and sanitation regulations as specified in federal, State, or local laws or ordinances and with fire safety requirements of the State Fire Marshal and that it meets the requirements prescribed in this Part.

Section 801.40 Application Fee

- a) The non-refundable application fee shall be \$200.00 and must be submitted with each application for a license or renewal of a license. The fee shall be designated on the application form.
- b) Fees collected by the Department shall be deposited into the Secure Residential Youth Care Facility Fund and shall be used for expenses incurred for the administration of the Act.

Section 801.50 Application for License

- a) An application for a license to operate a secure residential youth

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care facility or the renewal of a license shall be completed and signed by the governing body of the facility or its authorized representatives on forms prescribed and furnished by the Department. Forms are available by sending a written request to:

Illinois Department of Corrections
Deputy Director of the Juvenile Division
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Attn: Licensing Administrator

- b) The application shall include the following:

- 1) Articles of incorporation and bylaws, including a statement indicating the facility's corporate status is in good standing with the Illinois Secretary of State and whether the institution is for profit or not-for-profit; or a copy of the entity's partnership agreement; or statement of ownership; or articles of organization; and a list of assumed names under which the entity is doing business, as applicable.
- 2) A statement of purpose and range of services, including the types of child care services provided or to be provided, and a general description of the type of security established or to be established.
- 3) A copy of the current child care residential facility license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404, if applicable.
- 4) List of officers, board members, managers, proprietors, committees, partners, owners, and any person owning 20% or more of the company's equity, as applicable.
- 5) Annual current operating budget and projected budget showing anticipated expenses and income.
- 6) Certification of compliance with applicable local building, zoning, health, sanitation, or other safety requirements as specified in federal, State, or local laws and with fire safety requirements of the State Fire Marshal.
- 7) A facility site plan of the proposed site in which the specific use of each building and the specific floor plan showing each room to be used for secure residential youth care is identified and an explanation of the facility locking, lighting, and communication features is included. All secure doors, windows, and perimeter structures, including fencing and gates, shall be shown.
- 8) The program and operations plan for secure residential youth care submitted pursuant to Subpart B of this Part.
- 9) The staffing plan for the secure residential youth care program which provides for continuous supervision, treatment services, and security for youth in custody and which includes the number

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of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job description and job titles.

- 10) A description of the quality assurance mechanism for the services provided within the secure residential youth care program.
- 11) Documentation of background checks conducted pursuant to Section 801.90.
- 12) The appropriate application fee per Section 801.40.

c) A new application shall be required whenever:

- 1) An application for license has been withdrawn and the facility seeks to reapply;
- 2) There is a change of facility location, major renovation, or construction of a new facility;
- 3) There is a change of licensee's ownership, name, supervising agency, or corporate status or the individual who holds a license, permit, or expedited permit has died; or
- 4) A new license is sought after the Department has either revoked a license, refused to renew a license, terminated a permit or expedited permit, or refused to issue a license to a holder of a permit or expedited permit.

d) A new application may be submitted at any time after a license, permit, expedited permit, or application has been voluntarily surrendered or withdrawn by the applicant.

e) If the Department has refused to renew a license, has revoked a license, has terminated a permit or expedited permit, or has refused to issue a license to a holder of a permit or expedited permit, the facility may not reapply for licensure before the expiration of 12 months after the Department's action.

f) If the applicant's mailing address, but not the physical location changes the Department shall be notified immediately, but no later than ten days after the change. A current phone number and, if available, a fax number shall be provided to the Department.

g) The Department shall conduct on-site inspections and ensure that background investigations are conducted in accordance with this Part.

h) The Department may issue a waiver of any or all of the requirements of this Part pursuant to Section 801.25(b) when it is determined that the requirements have been substantially met, for example, by the fact that the facility holds a current child care residential facility license issued by the Department of Children and Family Services.

i) The Department licensing representative shall conduct a licensing study in accordance with the requirements of this Part and submit a recommendation regarding licensure to the Licensing Administrator. The Licensing Administrator shall review and submit the final recommendation to the Deputy Director.

j) The Department may issue a license, permit, or an expedited permit or it may issue a notification of refusal to issue a license, permit, or expedited permit within 180 days after the date the application was received and determined to be complete.

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Section 801.60 Licensing Requirements

a) A license to operate a secure residential youth care facility shall be valid for two years from the date issued unless revoked by the Department or voluntarily surrendered by the licensee. However, whenever a permit or expedited permit is issued prior to issuance of a license, the license shall be valid for two years from the date the permit or expedited permit was issued.

b) A license, permit, or expedited permit shall not be issued retroactively.

c) The license, permit, or expedited permit shall include the licensee's name, the facility name and address, the maximum capacity, the age and gender of youth to be served, whether the facility is also licensed as a child care residential facility by the Department of Children and Family Services, the date issued, and the expiration date.

d) The license, permit, or expedited permit shall not be transferred to another person, organization, or sponsor, nor shall it be valid for a name, address, or part of the facility other than what is shown on the license, permit, or expedited permit.

e) The facility shall adhere to the provisions specified on the license, permit, or expedited permit.

f) The facility shall maintain a degree of financial solvency that assures compliance with the standards prescribed in this Part and assures adequate care of the youth for whom it has assumed responsibility.

g) Financial records shall be maintained and kept in the State of Illinois where they shall be readily available for review by the licensing staff.

h) A certified copy of the facility's annual audit as performed by an independent auditor shall be submitted to the Department upon request.

i) The Department shall be notified immediately if the facility is determined to be financially insolvent.

j) Changes in the following shall occur only upon prior approval of the Department:

- 1) The age, gender, or characteristics of children accepted into the secure residential youth care facility;
- 2) The programming modality used by the facility;
- 3) The capacity of the facility;
- 4) The area within the facility used for secure residential youth care; or
- 5) The security, operations and treatment plans to be used by the facility.

k) The license capacity of the secure residential youth care facility shall be increased only when the facility is in compliance with the licensing and operating standards set forth in this Part or as approved by the Department when it is in the best interest of the health, safety, and welfare of the youths served.

l) The licensee shall give 90 days notice to the Department prior to

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voluntarily closing or terminating its secure residential youth care facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in compliance with the standards listed in this Part until date of closure or until youth are removed.

- m) A current license, permit, or expedited permit for the secure residential youth care facility shall be publicly displayed at the facility at all times.

Section 801.70 Responsibilities of the Governing Body

- a) The governing body of an incorporated facility shall be a board of directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body shall be responsible for maintaining the standards set forth in this Part.

- b) The governing body of a sole proprietorship or partnership shall be the partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

- c) The governing body shall:

- 1) Provide written by-laws, partnership agreements, articles of organization, or statements of ownership, as applicable;
- 2) Assure that the facility operates at all times with an on-site administrator, who, by official notice, is made known to the Department;

- 3) Hold at least two meetings annually;

- 4) Keep written records or minutes of all board meetings reflecting official actions by the board;

- 5) Officially notify the Department of any major changes in the corporate structure or a change in the administration of the facility, including: articles of incorporation and by-laws, partnership agreements, articles of organization, board membership, officers, ownership, and changes in services provided by the facility;

- 6) Establish written policies of the facility which shall be made available to all members of the governing body and employees of the facility, including services to be provided by the facility;
- 7) Assure that staff have achieved appropriate competency levels for the types of youth in the secure residential youth care facility and are administering the facility's established policies correctly;

- 8) Assure that the facility has clearly outlined procedures to ensure continuity of care for youth admitted to the secure care program and sufficient linkages to after-care programs to support youth after discharge from secure care;

- 9) Provide and maintain physical facilities appropriate for the program and supporting services;

- 10) Maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available

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for review by licensing representatives;

- 11) Assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fidelity duty or the loss of monies, securities or other property which the facility may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and
- 12) Assure that all persons working with youth are of reputable character through compliance with Sections 801.90 and 801.100.

Section 801.80 On-site Inspection of Programs, Security, and Operations

- a) Prior to recommending issuance of a license, permit, or expedited permit, the site of a proposed secure residential youth care facility shall be inspected by licensing representatives.

- b) On-site reviews of programs, security, and operations shall be completed by Department licensure staff prior to recommendation for licensure and at least annually thereafter.

- c) License representatives, within 30 days after the application for licensure has been received and determined to be complete, shall schedule a visit to the facility. The purpose of the visit shall be to assess the secure care program and prepare a written report to the Licensing Administrator regarding:

- 1) Compliance with applicable statutes, licensing procedures, and standards;

- 2) The adequacy of security, programming, and care outlined in the program plan;

- 3) The degree to which the program, as outlined, can reasonably be expected to ensure security, safety, continuity of care, and the provision of adequate after-care planning and services;

- 4) The adequacy of number of staff, staff qualifications, and training;

- 5) The adequacy of the physical plant, site, and facility design in relation to implementing a secure program; and

- 6) Whether the quality assurance, security policies, and evaluation mechanisms developed by the facility can reasonably be expected to control the use of behavior management techniques and security practices within the secure residential youth care facility and to minimize the frequency of unusual incidents within the program.

- d) In order to determine continuing compliance with applicable statutes and rules, a licensee's secure residential youth care facility may, without prior notice, be visited periodically by authorized representatives of the Department.

Section 801.90 Background Investigations

- a) No secure residential youth care facility license applicant may

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receive a license, permit, or an expedited permit from the Department, and no person may be employed by a licensed facility unless he or she provides written authorization for a background check which may include, but not be limited to:

- 1) A search of the Child Abuse and Neglect Tracking System (CANTS) maintained by the State Central Register to determine whether the person has been indicated as a perpetrator of child abuse or child neglect;
 - 2) A check of the criminal justice information systems, including, but not limited to, those maintained by the Illinois Department of State Police, the Federal Bureau of Investigation, and the United States Department of Justice, to determine whether the person has been charged with a crime, and if so, the disposition of the charges; and
 - 3) A pre-employment drug test and an agreement to random drug testing when the Department or the secure residential youth care facility has reasonable suspicion of abuse.
- b) The authorization required under this Section shall be on forms prescribed by the Department and shall include:
- 1) Identifying information consisting of name, address, social security number, date of birth, height, weight, hair and eye color, and previous names and addresses;
 - 2) Fingerprints;
 - 3) A declaration under penalty of perjury regarding any prior criminal convictions other than a minor traffic violation; and
 - 4) Authorization for the Department to release the results of the investigation to the governing body or employer.

c) Each secure residential youth care facility license applicant and employee or prospective employee of a licensed facility shall submit to a fingerprinting process as determined by the Department.

d) For purposes of this Section only, employees who have been separated from the secure residential youth care facility for six months or longer due to reasons other than approved leave time shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background investigation pursuant to this Section.

e) Employees and prospective employees of a multi-function agency otherwise exempt from the requirements of this Section, but whose duties may require that they be on the premises of a secure residential youth care facility, shall authorize the background investigation required by this Section.

f) An individual who has authorized the background investigation required by this Section may be employed by a secure residential youth care facility on a provisional or probationary basis pending the outcome of any required background investigation of federal records.

Section 801.100 Criminal Convictions and Pending Criminal Charges

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a) In assessing the suitability of a license applicant or an employee of a licensed facility, the Department may consider prior criminal charges and their disposition, criminal charges pending at the time of the application, and criminal charges filed during review of the application.

b) No applicant may receive a license, permit, or expedited permit from the Department and no person may be employed by a secure residential youth care facility licensed by the Department who has been declared a sexually dangerous person under the Sexually Dangerous Person Act [725 ILCS 205] or who has been convicted of committing or attempting to commit any of the following serious offenses under the Criminal Code of 1961 [720 ILCS 5]: first degree murder; indecent solicitation of a child; indecent solicitation of an adult; public indecency; sexual exploitation of a child; sexual relations within families; prostitution; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a juvenile prostitute; pimping; juvenile pimping; exploitation of a child; obscenity; child pornography; kidnapping; aggravated kidnapping; child abduction; aggravated battery of a child; criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated criminal sexual abuse; and an offense in any federal or state jurisdiction for which the elements are similar to any of the foregoing offenses.

c) Except as described in subsection (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure or employment in a licensed secure residential youth care facility. Instead, the following shall be considered:

- 1) The nature of the crime for which the individual was convicted;
 - 2) The circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
 - 3) The period of time that has elapsed since the crime was committed and the number of crimes for which the individual was convicted;
 - 4) Evidence of rehabilitation such as successful participation in therapy since conviction;
 - 5) A full and unconditional pardon granted by the Governor or the judicial reversal of the conviction upon appeal;
 - 6) Character references; and
 - 7) The relationship of the crime to the capacity to care for youth or to be in contact with youth in a secure residential youth care facility.
- d) An individual against whom criminal charges are pending shall not be automatically denied licensure or employment because of the pending criminal charges. Instead, the following shall be considered:
- 1) The seriousness and nature of the pending charges;
 - 2) The circumstances surrounding the commission of the crime;

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- 3) The relationship of the charges to the ability to care for youth or to be in contact with youth in a secure residential youth care facility;
 - 4) Whether the individual has ever been convicted of or charged with crimes of a similar nature; and
 - 5) Character references and other information, especially information related to child abuse or neglect, about the suitability of the applicant for licensure or employment.
- e) Based on its review, the Department may prohibit the employee or potential employee from participating in the secure residential youth care program pending disposition of the criminal charges. Failure to comply with this restriction may result in suspension, revocation, termination, or denial of a secure residential youth care facility license, permit, or expedited permit.

Section 801.110 Confidentiality of Personnel Information Received

- a) All information received by the Department from a law enforcement agency which concerns criminal charges and the disposition of such charges of a license applicant, employee, or prospective employee of an applicant is confidential. It may be released only as authorized by this Section.
- b) All child abuse and neglect information obtained by the Department concerning a license applicant, employee, or prospective employee of an applicant is confidential and exempt from public inspection as provided under Section 7 of the Freedom of Information Act [5 ILCS 140/7]. Such information shall not be transmitted outside the Department except as provided in the Abused and Neglected Child Reporting Act [325 ILCS 5], and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, or needed for the purposes of evaluation of a license applicant or for consideration by a secure residential youth care applicant of an employee. It may be released only as authorized by this Section.
- c) All criminal history information and child abuse and neglect information provided to the Department shall be used solely for the purpose of evaluating the suitability of the license applicant or employee and shall be accessible only to those Department employees directly involved in the licensing process or specifically designated by the Department to review criminal history information and evaluate applicants.

Section 801.120 Permits

- a) The Department may issue one six-month permit to a facility to allow that facility reasonable time to become eligible for a license.
- b) A permit shall only be issued when:
 - 1) The application for license has been completed pursuant to

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Section 801.50 and signed by the members of the governing body of the facility or its authorized representative and submitted to the Department.

- 2) A determination has been made through a licensing study that the facility is in substantial compliance with licensing requirements established in this Part.
 - 3) The study has been completed by the licensing representative and a recommendation has been submitted to the Licensing Administrator recommending a permit be issued. The Licensing Administrator shall issue a report identifying areas of non-compliance which need to be addressed and corrected during the six month duration of the permit.
 - 4) A written plan is developed by the license applicant which is approved by the Licensing Administrator describing how the full requirements for licensure will be met within the permit period.
- c) The permit shall not be renewable.
 - d) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves compliance with the Department's licensing standards.
 - e) The permit may be terminated at any point within the six-month period after a finding by the Licensing Administrator that any of the conditions listed in Section 801.150 of this Subpart exist.

Section 801.130 Expedited Permits

- a) The Department may issue one six-month expedited permit to a facility which holds a current child care residential facility license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404 to allow that facility reasonable time to become eligible for a license.
- b) An expedited permit shall only be issued when:
 - 1) The application for license has been completed pursuant to Section 801.50 and signed by the members of the governing body of the facility or its authorized representative and submitted to the Department;
 - 2) A copy of the current license issued by the Department of Children and Family Services has been received and the Department has verified that the licensee is still in good standing;
 - 3) A determination has been made through a licensing study that the facility is in substantial compliance with licensing requirements established in this Part, particularly those relating to security; and
 - 4) The study has been completed by the licensing representative and a recommendation has been submitted to the Licensing Administrator recommending an expedited permit be issued.
- c) The expedited permit may be terminated at any point within the six-month period after a finding by the Licensing Administrator that any of the conditions listed in Section 801.150 of this Subpart exist.

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Section 801.140 Application for Renewal of License

- a) Application forms for license renewal prescribed by the Department shall be requested by the facility from the Department prior to the expiration date of the secure residential youth care license. The completed application shall be submitted to the Department three months prior to the expiration date of the license.
- b) Upon receipt of the application for license renewal, the Department shall conduct a licensing study. The study shall include an on-site visit of the premises and a review of the records of the facility as the Department considers necessary in order to determine that the facility meets or continues to meet the licensing standards for a secure residential youth care facility. The licensing study shall be in writing and shall be reviewed and signed by the Deputy Director. The Department shall either:
 - 1) Renew the license if the Department is satisfied that the facility continues to maintain the minimum licensing standards; or
 - 2) Refuse to renew the license in accordance with Section 801.230
- c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may, if good cause is shown, further extend the period in which the decision must be made for up to 30 days.

Section 801.150 Grounds for Revocation, Termination, or Refusal to Issue or Renew a License, Permit, or Expedited Permit

- a) The Department may revoke a license, refuse to renew a license, refuse to issue a license to a holder of a permit or expedited permit, or terminate a permit or expedited permit of any secure residential youth care facility if there is a finding that the licensee or the licensee's governing body or employees did any of the following:
 - 1) Failed to maintain standards prescribed by Department rules or applicable laws.
 - 2) Violated any of the provisions of the license issued.
 - 3) Acted to conceal, misrepresent, or falsify any condition, action, or omission that would demonstrate non-compliance with rules or procedures or a violation of any federal, State, or local law or court order.
 - 4) Failed to submit to the Department required reports or failed to make available to the Department any records required by the Department in conducting an investigation of the facility for licensing purposes.
 - 5) Failed or refused to submit to or fully cooperate with an investigation required by the Department.

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- 6) Failed or refused to admit authorized representatives of the Department at any time for the purpose of investigation.
- 7) Failed to provide, maintain, equip, and keep in a safe, secure, and sanitary condition premises established or used for secure residential youth care required under standards prescribed by the Department rules or required by any law, regulation, or ordinance applicable to the location of the facility.
- 8) Failed to publicly display its license, permit, or expedited permit.
- 9) Failed to discharge or sever affiliation with an employee or volunteer at the facility who is the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3].
- 10) Failed to exercise reasonable care in the hiring, training, and supervision of facility personnel.
- 11) Failed to report suspected abuse or neglect of youth within the facility, as required by the Abused and Neglected Child Reporting Act.
- 12) Failed to report to the Department unusual incidents.
- 13) Was identified in an investigation by the Department or a law enforcement or regulatory agency as a licensee who is employing a substance abuser as defined in Section 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and the individual does not comply with the standards relating to the character, suitability, or other qualifications established under Section 45-70 of the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175/45-70].
- 14) Failed to correct any condition which may jeopardize the health, safety, security, or welfare of youth served by the facility.
- 15) Failed to correct any condition or occurrence relating to the operation, security, or maintenance of the facility that violates Section 801.190 of this Part.
- 16) Failed to maintain financial resources adequate to administer a secure residential youth care facility.
- b) If the continued operation of the secure residential youth care facility jeopardizes the health, safety, or welfare of the youth being served or if adequate security is not maintained, the facility may be closed immediately in accordance with Section 801.200.

Section 801.160 Complaints Concerning Licensees

- a) Complaints alleging abuse or neglect of children shall be reported immediately to the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300. The Department of Children and Family Services shall immediately notify the Department upon receipt of any such allegation.
- b) Complaints alleging excessive use of force shall be reported immediately to the Licensing Administrator. The Licensing

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Administrator shall notify the Department of Children and Family Services upon receipt of any such allegation.

c) All other complaints concerning secure residential youth care facilities shall be directed orally or in writing to the Department's licensing representatives serving the facility, if known, or to:

Illinois Department of Corrections
Deputy Director of the Juvenile Division
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Attn: Licensing Administrator
(217)522-2666

Section 801.170 Investigation of Complaints, Potential Deficiencies, or Violations Concerning Licensees

- a) Complaints alleging abuse or neglect to youth in the facility shall be investigated by the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300.
- b) The Department of Corrections shall initiate a timely investigation of allegations of excessive use of force and all other complaints, potential deficiencies, violations, or evidence of grounds for revocation or termination.
- c) Department investigations may include an interview with the person making the complaint, if known, and with others who may have knowledge relevant to the complaint or deficiency.
- d) An unannounced visit by the licensing representative may be made to the location of the facility.
- e) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for revocation of the facility license or termination of the permit or expedited permit.

Section 801.180 Disposition of Complaints, Potential Deficiencies, or Violations Concerning Licensees

- a) Within 15 business days after completion of the investigation, the Department shall make a formal finding determining whether there was a violation of licensing procedures or standards or federal, State, or local laws.
- b) Within five calendar days after a formal finding of a violation is made by the Department, a letter shall be sent by registered mail, return receipt requested, to the licensee summarizing the findings.
- c) The letter shall:
 - 1) Cite the laws or licensing procedures or standards violated;
 - 2) Notify the licensee that within 10 days after the receipt of the letter the licensee may send a written request to the Licensing

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Administrator requesting an informal review of the decision; and

3) Notify the licensee that failure to correct the violations may result in revocation of the license, refusal to renew a license, termination of a permit or expedited permit, or refusal to issue a license to the holder of a permit or expedited permit.

- d) If a request for informal review of the Department's findings is granted by the Licensing Administrator and the licensee indicates a willingness to correct the violations, a time period for compliance may be allowed as determined by the Licensing Administrator. When a time period is granted, a registered letter of notice shall be sent to the licensee specifying the time period granted to correct the violations, which shall begin upon the licensee's receipt of the registered mail. A licensing representative may make unannounced on-site visits to determine whether the identified violations have been corrected within the time period permitted for compliance.

e) If, at the conclusion of the period of time granted the licensee for correction of the findings, the licensee has failed to correct the identified violations or if no time period for compliance was authorized, the Department shall issue a conditional license in accordance with Section 801.190, shall proceed to revoke or refuse to renew the license in accordance with Section 801.210, or shall terminate the permit or expedited permit.

f) If threats exist to the health, safety, or welfare of the youth served or to the facility security systems or protocols, suspension or termination of the license, conditional license, permit, or expedited permit may immediately result.

Section 801.190 Conditional License

a) The Department may issue a conditional license under Section 801.180(e) to any facility holding a secure residential youth care license for which a formal finding of a violation of licensing procedures or standards or federal, State, or local laws has been made by the Department, pursuant to Section 801.180(a).

- b) Conditional licenses shall be granted only to facilities holding a license:
 - 1) In which there exists no threat to the health, safety, or welfare of the youth served;
 - 2) Where security systems and protocols are viable; and
 - 3) For which a complete list of deficiencies and a corrective plan has been approved by the Department.

c) When a conditional license is issued, the Department shall automatically revoke the current secure care license held by the facility.

- d) A conditional license shall be a non-renewable license issued for a period of six months. Failure by the facility to correct the deficiencies or meet all licensing standards by the end of the conditional license period shall result in initiation of revocation

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proceedings or refusal to renew the facility's license as provided in Section 801.210 of this Part.

Section 801.200 Closure Order

- a) Whenever the Department expressly finds that the continued operation of a secure residential youth care facility jeopardizes the health, safety, or welfare of the youth served by the facility or that the facility is unable to maintain adequate security, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate license revocation proceedings within ten working days.
- b) A facility closed under this Section may not operate during the pendency of any judicial review of the decision by the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.
 - 1) Those youth residing at the facility shall be moved immediately.
 - 2) All youths' records, personal property, and any medication shall be released to the Licensing Administrator.

Section 801.210 Procedure for Revocation or Refusal to Renew a License

- a) Except as otherwise provided in Section 801.200, the Department shall notify the licensee by registered mail, return receipt requested, prior to revocation or refusal to renew a license.
 - 1) The notice shall be sent to the address specified on the license, or to the address of the ranking or presiding officer of the board of directors or any equivalent body operating the secure residential youth care facility.
 - 2) The notice shall inform the licensee that he or she may, within ten days after receipt of the notice through registered mail, make a request to the Department for a public hearing before the Department and for a written statement of the charges.
- b) Upon written request for a hearing by the licensee, notice of the hearing shall be sent by registered mail, return receipt requested. The notice shall include:
 - 1) A written statement of the charges;
 - 2) A statement of the date, time, place, and nature of the hearing;
 - 3) The names and mailing addresses of the hearing officer, all parties, and all other persons to whom the Department gives notice of the hearing unless otherwise held confidential by law; and
 - 4) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c) The statement of charges shall be provided in writing and shall contain:
 - 1) A plain and concise statement of the matters asserted and the consequences of the failure to respond;

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- 2) Citation of the federal, State, or local laws or rules and regulations alleged to be violated; and
- 3) Specific relief sought via this action.
- d) The hearing must be held within 30 days after the date of the postmark of the registered mail.
- e) The notice must be received by the licensee no later than 15 days prior to the date set for the hearing.
- f) The hearing shall be conducted in accordance with Section 801.220.
- g) If no request for a hearing is made within ten days after notification, the license shall be revoked or renewal denied.

Section 801.220 Licensing Hearing

- a) At the date, time, and place designated, the Director, or an individual authorized in writing by the Director to function as the hearing officer, shall conduct a hearing regarding the revocation of a license or the refusal to renew a license to operate a secure residential youth care facility. The hearing shall be governed by the provisions contained in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise provided in this Section.
- b) Both the Department and the licensee shall be allowed to present written and oral statements, testimony, and evidence that may be pertinent to the charges or to the defense. A person may appear and be heard on his or her own behalf or through an attorney at law authorized to practice in the State of Illinois.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance identifying him or herself by name, address, and telephone number and identifying the party represented.
- d) Complaints, amended or supplemental complaints, and petitions or other pleadings, amendments or supplements to any pleadings, motions, affidavits in support of motions, and notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Department.
 - 1) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled thereto. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.
 - 2) Proof of service of any paper shall be by a certificate of attorney, affidavit, or acknowledgement.
- e) The hearing officer may direct parties or their attorneys to appear at a specified date, time, and place for a conference prior to the date set for the hearing or during the course of such hearing for the purpose of considering:
 - 1) The simplification of issues;
 - 2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification, or limitation with

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respect to matters alleged in any pleading;

- 3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- 4) The procedure at the hearing;
- 5) The limitation of the number of witnesses;
- 6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and
- 7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

f) All hearings conducted in any proceeding shall be open to the public, except that the hearing officer may close portions of the hearing based on considerations concerning the welfare and safety of the participants or witnesses. In the event of failure to appear at the hearing upon proper notice, the hearing may be held ex parte immediately.

g) The hearing officer shall have full authority to:

- 1) Rule upon all motions made in the course of a hearing;
- 2) Rule upon all other matters arising in the course of the hearing;
- 3) Require, upon reasonable notice, any party to present further material or relative evidence upon any issue.

h) If the respondent believes the hearing officer is biased against such respondent or if there is a conflict of interest, he or she shall petition the Director in writing at least five days prior to the date set for the hearing to appoint another hearing officer to hear the matter. Such petition shall be accompanied by an affidavit setting forth the facts upon which such claim of bias or conflict of interest is based. The Director shall make a determination whether bias or conflict of interest exists, and may remove any hearing officer he or she finds biased or if a determination has been made that a conflict of interest exists.

i) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to the facts at issue, shall be admitted in the proceedings, subject only to objections to the weight thereof as distinguished from admissibility per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted.

j) A party may conduct examinations or cross-examinations without rigid adherence to formal rules. The hearing officer before whom a matter is pending may, in his or her discretion, examine any of the witnesses at a hearing.

k) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.

l) The Department shall designate a court reporting service to make a stenographic record of the hearings.

- 1) The transcript of the hearing shall be transcribed upon request of any party provided that such party shall pay directly to the

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reporting service the cost of the transcript.

- 2) Suggested corrections to the transcript may be offered within ten days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official thereafter.

m) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of relevant books and papers for a hearing in a pending proceeding, may be issued by the Department or the hearing officer upon the motion of any party. Service of subpoenas and payment of witness fees shall be as provided by statute in the Civil Practice Act [735 ILCS 5].

n) After initiation of a statement of charges, any party, upon written request made to the other party at least three business days prior to the hearing or within five business days after such service of an additional pleading, shall be entitled to:

- 1) Obtain the names and addresses of witness whom the other party intends to call to testify at the hearing; and
- 2) Obtain all writings and documents which the party proposes to offer in evidence.

o) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

p) The hearing officer may continue the hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

q) Within 30 business days after the close of all proofs in the hearing, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.

r) At any time prior to the entering of findings of facts, conclusions of law, and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director an agreed order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing such an order, the entire proceeding shall cease, and each party shall be deemed to have waived Administrative Review.

s) Within 30 business days after receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

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- t) The time within which any act under these rules is to be done shall be computed by excluding the first business day and including the last business day.

Section 801.230 Operation Without a License, Permit, or Expedited Permit

- a) When the Department is advised or has reason to believe that a secure residential youth care facility is operating without a license, permit, or expedited permit, the Department shall make an investigation to ascertain the facts.
- b) Should the Department be denied access, the intervention of local, county, or State law enforcement agencies shall be requested to seek an appropriate court order or warrant to examine the premises.
- c) If the Department finds that the secure residential youth care facility is being, or has been, operated without a license, permit, or expedited permit, it shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for prosecution.
- d) At the request of the Director, the Attorney General or the State's Attorney of the county where the violation has occurred shall initiate an injunction proceeding. A permanent or temporary restraining order, without bond, to enforce the licensure provisions shall be ordered by the circuit court.

Section 801.240 Severability of this Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

SUBPART B: OPERATING STANDARDS

Section 801.310 Applicability

This Subpart applies to any person, group of persons, corporation, or entity other than an Illinois Department of Corrections facility which intends to develop, establish, maintain, or operate a secure residential youth care facility in the State of Illinois.

Section 801.315 Designees

Unless otherwise specified, whenever a title such as Director or Deputy Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

Section 801.320 Definitions

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Except as otherwise provided, terms shall have the same meaning as those defined in Section 801.20 of this Part.

"Confinement" means restriction in a room, separated from other youth, for increments of at least 24 hours.

"Contraband" means items which are proscribed by criminal law, facility rules, or posted notices; items which the youth has no authorization to possess; or property which is in excess of that authorized by the facility.

"Corporal punishment" means physical punishment or any punishment of or inflicted on one's person.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such impairment.

"Mandatory discharge date" means the final date on which the Department's custody and placement of youth in secure care statutorily terminates, which shall be the youth's 19th birthday or the last day of the maximum period of time the youth could serve if committed as an adult, whichever is sooner.

"Mental health professional" means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has a master's degree in social work and clinical training and who meets the educational, licensing, and certification criteria specified by the respective professional discipline pursuant to appropriate regulations or statutes.

"Serious illness or injury" means an illness or injury which requires treatment at an urgent care center or emergency room or which results in a hospital admission.

"Special needs youth" means a youth whose mental or physical condition requires special handling and treatment by staff.

"Therapeutic restraints" means devices used for the partial or total immobilization of any one or all of the extremities by physical means as determined necessary by a psychiatrist or a physician.

Section 801.325 Purpose and Mission

A current written statement of the mission, philosophy, goals, and purposes of the secure residential youth care facility shall be maintained by the facility.

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Only those youth transferred to the Department may be placed in or released from the secure residential youth care facility in accordance with Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

Section 801.340 Administration

- a) The facility and its programs shall be managed by a Chief Administrative Officer to whom all employees or units of management are responsible.
- b) The facility shall maintain written qualifications and a description of the authority and responsibilities of the Chief Administrative Officer.
- c) An updated table of organization of the facility shall be maintained that groups functions, services, and activities into administrative subunits.
- d) Either the Chief Administrative Officer or an individual designated to act in the place of the Chief Administrative Officer shall be scheduled at the facility and function as the on-call administrator at all times.
- e) Where direct care services to facility youth are contracted, the role and functions of employees of the contracted agencies as they relate to facility treatment, programming, operations, and security shall be covered by a written plan. The plan shall be reviewed at least annually and be updated as needed.
- f) The facility shall establish and maintain an updated comprehensive manual which includes, at a minimum, the policies and procedures for the supervision, care, and treatment of youth and the operation and security of the facility, and the maintenance of a drug-free and smoke-free workplace. The manual shall be accessible to the Department.
- g) New or revised policies, procedures, and plans shall be approved by the Licensing Administrator prior to dissemination and implementation. Approved policies, procedures, and plans shall be disseminated to the designated staff, volunteers, the Licensing Administrator, and when appropriate, to youth prior to implementation.
- h) The facility shall establish a written quality assurance plan to assess treatment and program services to youth and an internal audit plan to determine compliance with facility policies and standards contained in this Part. These plans shall include the frequency, scope, content, and administrative reviews and responses required. Copies of all assessment and review documentation shall be available to the Department.

Section 801.350 Reports and Correspondence

The following reports or documents shall be forwarded to the Department as

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specified:

- a) Quarterly Reports
The Chief Administrative Officer shall submit a written quarterly report to the Licensing Administrator that includes, but is not limited to, copies of the following information for the reporting period:
 - 1) A synopsis of any internal audits conducted during the quarter, indicating any non-compliance issues.
 - 2) A summary of staff training conducted during the quarter.
 - 3) Any significant programmatic concerns.
 - 4) A report of personnel transactions, including positions vacated and filled during the quarter, and the total staff headcount.
 - 5) Any significant changes to the projected budget.
 - 6) Reports of all fire drills conducted during the quarter.
 - 7) Reports of all inspections conducted by outside agencies, including, but not limited to, the State Fire Marshal, the Department of Public Health, and independent fiscal auditors.
 - 8) Weekly inspection forms that report a deficiency in any area and a summary of the steps taken to resolve the problem.
 - b) Fiscal Reports
The Chief Administrative Officer shall submit copies of the following information for the reporting period to the Licensing Administrator:
 - 1) The annual approved budget and any approved revision;
 - 2) All fiscal reports made to the governing body; and
 - 3) Financial audits.
 - c) Daily Population Report
1) A daily population report shall be provided to the Licensing Administrator by 10:00 a.m. that includes information for the preceding 24-hour period which ended at midnight.
2) The report shall include:
 - A) The total number of youth:
 - i) Assigned to secure care at the facility.
 - ii) Physically present at the facility.
 - iii) Absent from the facility, by classification of absence, due to reasons, such as medical, court, authorized absence, or unauthorized absence. The names and identification numbers of each youth shall be included for each classification.
 - iv) Who have entered the facility on a secure care placement, including the names and identification numbers of each youth.
 - v) Who have been removed from secure care placement at the facility, including the names and identification numbers of each youth.
 - B) A recapitulation at the end of the report to account for all youth assigned to the facility, whether present or absent.
- d) Annual Survey of Youth Needs
An annual survey of youth needs shall be provided in accordance with

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Section 801.810(b) of this Subpart.

- e) Unusual Incident Reports
- 1) Unusual incidents or situations that occur on the grounds of a secure care facility or that occur within the community involving an on-duty employee or an individual under secure care supervision shall be reported to the appropriate officials and completely documented by the witnessing employee or the employee who received notification of same prior to the end of his or her shift. The unusual incident report shall be maintained in a separate confidential administrative file and shall include the following:
 - A) The facility name.
 - B) The date and time of the incident.
 - C) The names and, if applicable, the identification numbers of the staff and youth involved in the incident.
 - D) The names and, if applicable, the identification numbers of witnesses to the incident.
 - E) A complete narrative of the facts and circumstances of the incident.
 - F) The signature of the reporting staff member and the date and time the report was written.
 - G) The signature of the reviewing supervisory staff member and the date and time the report was received.
 - H) An assessment by the Chief Administrative Officer or designee and his or her signature and the date reviewed.
 - 2) The Chief Administrative Officer or designee shall report immediately, by telephone, to the Licensing Administrator any of the following types of incidents or situations that occur on the grounds of the facility or which involve an on-duty employee or youth on an assignment away from the facility:
 - A) A youth's physical assault on another youth or any person where serious injury results requiring medical treatment.
 - B) An arrest of staff or youth.
 - C) Use of force by an employee on youth including use of physical force to restrain.
 - D) A youth's suicide attempt.
 - E) Any serious illness or injury to youth which requires medical attention.
 - F) Any escape, runaway, attempted escape or runaway, or unauthorized absence.
 - G) Death of a youth.
 - H) Major property loss or damage.
 - I) Any serious fire or arson attempt.
 - J) Any youth or employee action which the facility may refer for prosecution of criminal charges.
 - K) Use of restraints for purposes other than escort or transport security.
 - L) Any body cavity or strip search of youth.

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- M) Any youth's diagnosed pregnancy.
 - N) Other incidents or situations which in the opinion of the Chief Administrative Officer should be reported.
 - O) Any other incidents or situations which may result in legal action or require an administrative response by the Department.
- 3) The Chief Administrative Officer of the secure care facility, after immediately informing the Licensing Administrator by telephone of the incident, shall ensure:
 - A) An initial incident report is completed and transmitted to the Licensing Administrator by the next working day or within 72 hours after the incident if the incident occurs on the weekend. The initial report may be designated as the final report.
 - B) A progress report or final follow-up report is transmitted to the Licensing Administrator within 15 days after the incident, if applicable. A progress report shall be transmitted to the Licensing Administrator as additional information is available, but not less frequently than every 90 days after the date of the last report until submission of the final report.
 - f) Legal Documents

The Licensing Administrator shall promptly be sent copies of all documents and correspondence received related to any youth's pending legal matters including, but not limited to, custody disputes, actions to terminate parental rights, or other actions affecting the youth's placement, treatment, or secure care status. The facility shall confer with the Licensing Administrator related to all issues or concerns raised by these documents. Producing documents and reports as ordered by the courts or requested by attorneys or other persons shall be the responsibility of the facility unless otherwise advised.

Section 801.360 Media Access

- a) The facility shall establish a written plan regarding requests for access to the facility by representatives of the media. Such requests shall be subject to the approval of both the Chief Administrative Officer and the Licensing Administrator. In determining whether to approve such requests, factors such as the following shall be considered:
 - 1) Preservation of the youth's privacy;
 - 2) The potential effect of the interview on the youth; and
 - 3) Safety and security of the youth, any person, or the facility.
- b) Media requests which include interaction or interviews with or taping or photographs of youth also require releases signed by a parent or guardian.
- c) Approved access shall be limited to normal business hours, whenever possible.

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Section 801.370 Fiscal Management

- a) The facility shall maintain fiscal planning, budgeting, and accounting procedures and a system of regular review and audit. At a minimum, procedures shall include: internal controls; petty cash; bonding for all appropriate staff; signature control on checks; accrual accounting; acquisition and inventory procedures; the issuing or use of vouchers; and collections, safeguarding, and disbursement of monies.
- b) An administrator for fiscal management and control shall be designated.
- c) An operating budget for the facility shall be established. The annual budget shall be sufficient to meet the anticipated operational expenses of the facility based on generally accepted accounting principles.
- d) There shall be an independent financial audit of the facility conducted at least annually. A copy of the audit shall be sent to the Licensing Administrator. The Department may also conduct financial audits of secure care facilities as required by the Director.

Section 801.380 Insurance

The facility shall provide for insurance coverage in the following areas: worker's compensation, civil liability for employees, liability for vehicles, and facility employee blanket bond.

Section 801.390 Funds and Property of Youth

- a) Personal funds of youth held by the facility shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Youth shall receive receipts for all financial transactions.
- b) Personal financial transactions or transfer of a youth's personal property between youth, youth and staff, and youth and volunteers shall be prohibited.

Section 801.400 Personnel

- a) A personnel manual shall be established and made available to staff which includes at a minimum:
 - 1) An explanation of the requirements for pre-employment background checks of applicants;
 - 2) A facility organizational chart;
 - 3) Staff development, including orientation and in-service training and professional continuing education;
 - 4) Insurance and professional liability;
 - 5) Standards of conduct for employees;
 - 6) Drug-free and smoke-free workplace policies; and

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- 7) Work rules.
- b) Employees and volunteers shall be required to sign a statement acknowledging access to and knowledge of the personnel policies and his or her responsibility for complying with same.
- c) Staffing of personnel shall be sufficient to ensure:
 - 1) Continuous and effective supervision of youth is maintained at all times;
 - 2) Youth have adequate access to staff, programs, and services; and
 - 3) The safe and secure operation of the security systems and physical plant.
- d) The facility shall comply with all federal, State, and local laws regarding equal employment opportunities.
- e) The facility shall provide a mechanism to process requests for reasonable accommodation of the known physical or mental impairments of a qualified individual with a disability, either an applicant or an employee. The accommodation need not be granted if it would impose an undue hardship or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation.
- f) At a minimum, the Chief Administrative Officer shall:
 - 1) Be qualified by training and experience to supervise staff and youth;
 - 2) Have demonstrated the skill to work with and manage youth of the type served in the program;
 - 3) Have demonstrated the ability to work cooperatively with administration, staff, and persons external to the program; and
 - 4) Be required to have either:
 - A) A Master's Degree in the field of Social Work; three years work experience with youth, two of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience; or
 - B) A Master's Degree in the field of Humanities; three years work experience with youth, two of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience; or
 - C) A Bachelor's Degree; five years work experience with children, three of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience.
- g) All professionals shall be qualified in their field and licensed in compliance with statutory requirements.
- h) Youth direct care staff shall have the following qualifications:
 - 1) Be at least 21 years of age;
 - 2) Hold a high school diploma or GED certificate;
 - 3) Be in good physical and mental health;
 - 4) Have the capacity to relate constructively to authority;
 - 5) Demonstrated skill in working with and managing youth of the type served in the program;

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- 6) Demonstrated ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the youth; and
- 7) Have the capacity to serve as a role model for youth.
- i) Youth direct care supervisors shall have the following qualifications:
 - 1) Be at least 25 years of age;
 - 2) Have two years of college credits; and
 - 3) Have two years of full-time experience in a child care or correctional program.
- j) All temporary appointments are subject to the same standards as permanent employees.
- k) A criminal record check and Child Abuse and Neglect Tracking System (CANTS) review shall be conducted, prior to employment, appointment, or service, in accordance with Section 801.90 of this Part, on all applicants, volunteers, or other persons who will have regular contact with youth.
- l) Persons who will have regular contact with youth shall receive a physical examination prior to employment to determine their ability to perform the essential functions of the job. The facility may establish a schedule for periodic re-examinations.
- m) The facility shall establish a drug-free and smoke-free workplace policy which shall be reviewed at least annually. The policy shall include at a minimum:
 - 1) Pre-employment testing for the presence of illegal or controlled substances;
 - 2) Prohibit the use of illegal substances or misuse of controlled medications;
 - 3) Prohibit possession of any illegal substance except in the performance of official duties;
 - 4) Testing for substance abuse based on reasonable suspicion;
 - 5) Availability of treatment or counseling for substance abuse; and
 - 6) The penalties for violation of the policy.
- n) Employee performance shall be reviewed annually based on defined criteria and the results shall be discussed with the employee.
- o) The facility shall maintain a current, accurate, confidential personnel record on each employee and volunteer. Information obtained as part of a medical examination or inquiry regarding the medical history or condition of an applicant or employee shall be collected and maintained in a separate confidential medical record. Representatives of the Department shall have unrestricted access to employee personnel files for any purpose, including compliance auditing, investigations, and administrative supervision.
- p) Facility staff shall be provided with an identification card or badge (ID). The ID shall be worn at all times while on duty.
- q) Employees shall be prohibited from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest or violation of

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- r) written standards of conduct.
- s) Employees, volunteers, consultants, and contractual personnel who work with youth shall be informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.

Section 801.410 Training and Staff Development

- a) The facility shall establish a staff development and training program for all categories of personnel, including continuing education requirements. The facility's staff development and training program shall be planned and coordinated by a qualified supervisory employee. The facility training plan shall be reviewed and updated annually.
- b) The training plan shall include the method of documentation of training scheduled and completed including: the date; training topic; trainer; curriculum; hours of credit; and if continuing education credits or certificates were issued, any grades, scores, or other measures of completion.
- c) All new full-time employees shall receive at least three work days of orientation training before undertaking their assignments. This training shall include at a minimum: orientation to the purpose, goals, policies, and procedures of the facility; working conditions and regulations; employees' rights and responsibilities; and an overview of the juvenile justice system. It shall include instructions related to the employee's job duties and responsibilities.
- d) All administrative, managerial, and professional staff shall receive 40 hours of professional training in addition to the orientation training during their first year of employment and 40 hours of training each year thereafter. At a minimum, this training shall include: general management; juvenile law; labor relations; the juvenile justice system; treatment modalities; security policy and practice; relationships with other service agencies and professionals; and, where applicable, continuing education units.
- e) All direct youth care staff shall receive 120 hours of training during their first year of employment and an additional 40 hours of training each year thereafter. At a minimum, this training shall include: program and treatment modalities; crisis intervention procedures and techniques; security procedures, systems, and methods of supervision of youth; signs of suicide risks and suicide precautions; use-of-force regulations and methods; report writing; youth rules of conduct; disciplinary techniques; grievance procedures; rights and responsibilities of youth; fire escape and emergency procedures; safety procedures; key and tool control; interpersonal relations; social and cultural life styles of the youth population; communication skills; first aid and CPR; counseling techniques and behavioral interventions; and standards of conduct.
- f) All part-time staff, volunteers, and contractual personnel shall

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receive formal orientation appropriate to their assignments and additional training as needed.

Section 801.420 Records of Youth

- a) A master record file shall be established and maintained on a current basis for each youth.
- b) The master record file shall include, at a minimum, the following applicable information: the youth's name, identification number, age, sex, place of birth, and race or nationality; initial intake information form; documentation of the youth's delinquency adjudication; court transfer document; a copy of the summary of the determination made by the Interagency Review Committee regarding the youth in accordance with 89 Ill. Adm. Code 312; current photographs and fingerprints of the youth; case and social history; medical consent form; name, relationship, addresses and phone numbers of parents, guardians, and significant others; driver's license, social security, and Medicaid numbers; court records, case disposition, and transfer papers; individual treatment plan and program goals; signed release of information forms, where required; progress reports; program rules and disciplinary policy signed by the youth; disciplinary and grievance records; referrals to other agencies; final discharge or transfer report; visitors list; attorney of record; administrative case review documentation; annual reviews; and youth-related correspondence. Health and educational records are also considered part of the youth master record file, but may be maintained in separate locations.
- c) The contents of records shall be identified and separated into the following sections:
 - 1) Legal data.
 - 2) Identification data, including, but not limited to, photographs, fingerprints, warrants, and warrant cancellations.
 - 3) Social history data, including, but not limited to, educational material and clinical, psychological, and psychiatric reports.
 - 4) Treatment data, including, but not limited to, the treatment plan, monthly progress reviews, and disciplinary reports.
 - 5) Miscellaneous data, including, but not limited to, personal property inventories, visitor lists, miscellaneous reports, and correspondence.
- d) Master record file entries shall be dated and the source of the information and the author of the entry shall be identified.
- e) Master record files are confidential and shall be safeguarded from unauthorized and improper access, disclosure, and loss.
 - 1) Master records shall be marked "confidential."
 - 2) Access to computerized records shall be controlled and restricted on a need-to-know basis. Security measures shall be taken to ensure the integrity and confidentiality of any computer record.
- f) Whenever a youth is transferred to another facility, the youth's

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master record file, including individual medical and educational records, shall be transferred with the youth. The facility may retain a copy of some or all of the contents of the master record file for their records, as needed, for up to five years.

- g) The Department shall have access to master record files upon request. Disclosure of youth master record file material to others is subject to procedures outlined in 20 Ill. Adm. Code 107:Subpart D.

Section 801.430 Juvenile Tracking System

The facility shall provide information as requested by the Department for input into the Department's electronic Juvenile Tracking System requirements.

Section 801.440 Research

- a) Youth participation in medical, pharmaceutical, or cosmetic experiments shall be prohibited. This does not preclude individual treatment of youth based on the need for a specific medical procedure that is generally not available.
- b) Prior to the conduct of any research, the research request shall be submitted to the Licensing Administrator for review and approval.
- c) Approved research shall be conducted in accordance with 20 Ill. Adm. Code 106.
- d) The facility may collaborate with juvenile justice and social service agencies in information gathering, exchange, and standardization subject to the approval of the Licensing Administrator.

Section 801.450 Volunteers

- a) The facility shall maintain a plan for the recruitment, screening, selection, training, and operating procedures for a volunteer program. The lines of authority, responsibility, and accountability for the facility's volunteer program shall be identified.
- b) Volunteers are subject to background investigations in accordance with Section 801.90 of this Part.
- c) A staff member shall be designated to coordinate and operate a volunteer program for the benefit of youth placed in the facility.
- d) An official registration and identification system shall be maintained for all volunteers.
- e) Volunteers may perform professional services only when they are certified or licensed to do so.
- f) Volunteers shall be required to agree in writing to abide by all facility policies and applicable employee standards, particularly those relating to security, confidentiality, ethics, and standards of conduct.

Section 801.460 Capacity

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The facility shall operate at or below its licensed capacity. On an emergency basis the number of youth in placement may exceed the facility's licensed bed capacity with the prior written approval of the Licensing Administrator.

Section 801.470 Physical Plant**a) General Requirements**

- 1) The facility shall comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) and with the regulations implementing Title I and Title II of that Act.
- 2) The facility shall conform to applicable building and fire safety codes. A fire alarm and automatic detection system shall be required as approved by the State Fire Marshal.
- 3) Compliance with fire safety codes shall be documented by the State Fire Marshal prior to occupancy by secure care youth and a copy of such documentation shall be maintained at the facility.
- 4) There shall be documentation by a qualified inspector that the interior finishing materials in youth living, activity, and program areas, exits, and places of public assembly are in accordance with building and fire codes.
- 5) Physical plant design shall facilitate personal contact and interaction between staff and youth and promote continuous, unobstructed supervision, communication, and control.
- 6) The facility design and its security features shall be approved by the Licensing Administrator prior to licensure.
- 7) The facility's potable water source and supply, whether owned and operated by the public water department or the facility, shall be approved by the independent outside source having jurisdiction and shall be in compliance with jurisdictional laws and regulations.
- 8) The facility shall have a waste disposal system which is in accordance with local services approved by the appropriate regulatory agency.
- 9) Renovation or remodeling that will change the use or the structure of a facility shall be approved by the Licensing Administrator and the State Fire Marshal. Failure to do so may result in revocation of the license or termination of the permit or expedited permit.
- 10) When a new facility is to be constructed or an existing facility is to be expanded, a needs-evaluation study shall be completed and submitted for review and approval by the Department. No new construction or expansion shall be undertaken without prior written approval of the Deputy Director.

b) Residential Housing

- 1) The facility shall provide at least 35 square feet of unnumbered floor space for each occupant of a sleeping room.
- 2) Sleeping rooms shall normally be designated for single occupancy.
 - A) Multiple occupancy or dormitory sleeping rooms may be

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permitted in existing buildings provided there is at least 35 square feet of floor space per occupant. Youth placed in multiple occupancy sleeping rooms shall be screened based on safety, security, and administrative concerns.

- B) Single occupancy sleeping rooms shall be required for any new facility or expansion of an existing facility. The design shall include an electric locking system that can be remotely operated and an interactive intercom system that permits either party to initiate a call.

3) Each sleeping room shall have at a minimum:

- A) A rigidly constructed bed bolted to the floor, with a flatbed surface for the mattress. Mattresses shall have no inner-springs, shall have a staph-check type of cover, and shall meet the requirements of Section 31-5 of the National Fire Protection Association Life Safety Code 101, 1991 edition.
 - B) Access to a washbasin with piped hot and cold water. A supply of disposable drinking cups shall be provided if the washbasin is not drinking-fountain equipped.
 - C) Access to a toilet. Access may be controlled by staff for toilets other than in a single occupancy room.
 - D) Illumination of at least 20 foot-candles. Light fixtures shall be secure and tamper-proof. There shall be a night light.
 - E) A secure door with a viewing window, lock, and security hinges.
 - i) The viewing window shall provide for unobstructed continuous visual observation of the room and its occupants.
 - ii) Doors, frames, hinges, and locks shall be of sufficient strength to safely contain the occupants and permit controlled entry and exit.
 - F) A storage space.
 - G) A desk securely attached to the wall.
 - H) A secure access-protected exterior window and natural light in the room.
 - I) Electrical outlets which are Ground Fault Interrupted (GFI).
 - J) Intercom or other approved communication capabilities.
- 4) Sleeping rooms shall be located above basement level.
 - 5) In coeducational facilities, separate sleeping rooms and wings shall be provided for male and female youth.
 - 6) Rooms or housing units to be used by youth with disabilities shall provide for integration with the general population.

c) Dayrooms

- 1) Dayrooms with space for varied youth activities shall be situated immediately adjacent to the sleeping areas, but shall be separated from them by a floor-to-ceiling wall.
- 2) Dayrooms shall be:

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- A) Of a sufficient size to provide a minimum of 35 square feet of unencumbered space per youth for the maximum number expected to use the dayroom at one time.
- B) Contain fixtures and recreation equipment which are suitable for the security requirements of the group.
- C) Provided with bulletin boards to facilitate access to daily posted information.
- D) Designed for continuous supervision which may be accomplished through use of surveillance and monitoring equipment.
- E) Secured with controlled access and egress. Windows shall be secured and protected from damage.
- F) Furnished with sufficient seating and writing surfaces for each youth using the dayroom at one time. Furnishings shall be consistent with the security needs of the assigned youth and are subject to approval of the Department. Televisions, electronic games, table games, and other recreational features shall be under staff control with secure storage available.
- d) Personal Hygiene
- 1) Youth shall be provided adequate access to toilets.
 - A) Access to toilets other than those in individual youth rooms shall be staff-controlled and locked when not occupied.
 - B) A minimum ratio of one toilet for every 12 youth in male facilities and one toilet for every eight youth in female facilities shall be provided. Urinals may be substituted for up to one-half of the toilets in male facilities.
 - C) All housing units with five or more youth shall have a minimum of two toilets.
 - D) Toilet types shall be selected consistent with individual security requirements and are subject to approval by the Department.
 - E) Staff-activated water shut-off valves shall be provided for all youth-accessible toilets.
 - 2) Youth shall be provided adequate access to washbasins with hot and cold running water.
 - A) In the housing units, a minimum ratio of one washbasin for every 12 occupants shall be provided.
 - B) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
 - C) Staff-activated water shut-off valves shall be provided for all youth-accessible washbasins.
 - 3) Youth shall have supervised and controlled access to showers with temperature-controlled hot and cold running water.
 - A) A minimum ratio of one shower shall be provided for every eight youth.
 - B) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.

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- C) All showers shall have staff-controlled access and be capable of surveillance by staff of the same sex.
- e) Confinement Rooms
- 1) Where security confinement rooms are provided that are separate from the youth's sleeping room, they shall be equipped with secure plumbing fixtures, lighting, windows, and furniture.
 - 2) Confinement rooms shall have the capability for continuous visual surveillance and communication. Rooms shall be equipped with interactive intercom or other approved communication capabilities and locking devices.
 - 3) Room design shall be subject to the approval of the Department. Approval shall be based on the safety and security of the facility or of any person.
- f) Lighting
- 1) Lighting of at least 20 foot-candles shall be provided at desk level and in the personal grooming area.
 - 2) Other lighting requirements for the facility shall be determined by the tasks to be performed.
 - 3) An alternative means of lighting shall be available in the event of an emergency such as a power failure.
- g) Temperature Control and Ventilation
- 1) Heating, cooling, and ventilation systems shall be staff-controlled to ensure healthful and comfortable living and working conditions for youth and staff.
 - 2) An alternative means of ventilation shall be available in the event of an emergency such as a power failure.
 - 3) Ventilation systems shall be tamper-proof.
 - 4) The operation of security windows and screens shall be staff-controlled.
 - 5) Temperatures in indoor living and work areas shall be appropriate to the summer and winter comfort zones: 68 degrees in winter and 75 degrees in summer.
- h) Program and Service Areas
- 1) All program and service areas shall be capable of being secured with staff-controlled access and egress and shall be capable of continuous visual surveillance, communication, and supervision.
 - 2) The total indoor activity area, which may include gymnasium, multipurpose rooms, library, arts and crafts rooms, and all other leisure areas outside the living unit shall have an aggregate space equivalent to a minimum of 100 square feet per youth.
 - 3) Outdoor exercise areas for youth shall be provided.
 - A) The design of the outdoor recreational area shall address the proximity of the perimeter or containment to the existing structures and provide for emergency access.
 - B) Selection of recreational equipment and control of potential breaching aids shall be incorporated into the design.
 - 4) Adequate space shall be provided for a youth visiting room or area.

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- A) Space shall be provided to permit the screening and searching of both youth and visitors prior to entry and upon exit.
- B) Space shall be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
- C) The design of the visiting area shall provide for staff-controlled access and egress and continuous visual surveillance and supervision.
- D) Private interview space shall be provided for attorney visits or other interviews with youth which may require privacy as determined necessary by the Chief Administrative Officer.
- 5) Classrooms shall be designed to conform with federal, State, and local educational requirements.
 - A) Classrooms shall have the capability for staff-controlled access and egress and provide for visual observation into the classroom from corridors.
 - B) Communication capability from a central control shall be provided.
- 6) A dining room for group dining shall be provided.
 - A) There shall be at least 15 square feet of floor space per person expected to use the dining room or dining area at any one time.
 - B) The dining room shall have staff-controlled access and egress and be designed to provide continuous surveillance and supervision.
 - C) The dining room shall be capable of being secured from the food preparation area during meals.
- 7) The food preparation area shall conform to local codes and public health requirements.
 - A) The area shall have adequate space for food preparation based on population, type of food preparation, and methods of meal service.
 - B) There shall be adequate storage and loading areas and garbage disposal facilities.
 - C) All storage areas shall be designed with doors that lock upon closure.
 - D) All storage doors shall have a view panel for visual observation into the storage areas.
 - E) The food preparation area shall be capable of being secured from the dining room during meals.
- 8) Adequate space shall be provided for janitorial closets accessible to the living and activity areas.
 - A) Janitorial closets shall be equipped with a sink, cleaning implements, and a system of ventilation.
 - B) All janitorial closets shall have a secure door which locks upon closing and be equipped with a viewing panel to permit

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- i) visual observation into the closet.
 - 1) Storage Areas
 - 1) Adequate space shall be provided to receive inventory and to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations. Such areas shall be secured by a door which locks upon closing and shall have a viewing panel to permit visual observation into the storage room.
 - 2) Space shall be provided for the safe and secure receipt, processing, inventory, and storage of personal property of youth.
 - 3) Separate and adequate space shall be provided for electrical and mechanical equipment. The access doors or panels to these areas shall lock when closed.
 - j) Administrative and Staff Areas
 - 1) Adequate space shall be provided for administrative, security, professional, and clerical staff. This shall include a conference room, storage room for records, public lobby, and toilet facilities. All administrative areas shall be capable of being secured by staff. Areas where youth routinely have access shall have viewing panels or windows for visual observation from hallways, corridors, or other office areas into the work space.
 - k) Control Room
 - 1) Space shall be provided for a secure control room with capabilities for monitoring and coordinating the facility's security, safety, and communications systems on a 24-hour basis.
 - Perimeter
 - 1) The design of the facility perimeter shall provide the capability for containment, emergency vehicle access, and control of access and egress.
 - 2) The perimeter design, surveillance and detection systems, perimeter alarms, escape barriers, barbed tape obstacle wire, and other design features shall be subject to approval by the Department. Approval shall be based on the safety and security of the facility or of any person, including the adequacy and appropriateness to the level of security required.

Section 801.480 Accessibility to Individuals with Disabilities

Reasonable accommodations shall be made to ensure that all public access areas of the facility are accessible to and usable by staff and visitors with disabilities in compliance with federal, State, and local regulations and laws.

Section 801.490 Supervision of Youth

- a) Primary supervision of youth shall be provided by trained youth direct care staff who shall work under the supervision of a youth direct care supervisor.
- b) Youth direct care supervisors shall be primarily responsible for the direct care of youth and supervision of youth direct care staff.

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- c) There shall be a shift supervisor on each shift. A youth direct care supervisor or the Chief Administrative Officer may serve as the shift supervisor.
- d) Youth direct care staff shall be located at all times in or immediately adjacent to the youth living, activity, and program areas to permit continuous supervision and monitoring of youth activity.
- e) Written shift assignments or post descriptions that state the duties and responsibilities for each assigned youth direct care position in the facility shall be maintained. These shall be reviewed at least annually and updated as needed.
- f) Youth direct care staff shall be required to read the appropriate shift assignment each time they assume a new position and document their review.

Section 801.500 Security Procedures

- a) The facility shall maintain a security manual which, at a minimum, shall contain policies and procedures related to: counts, youth movement, transportation, contraband control, facility inspection, youth and visitor searches, security post descriptions, escape and emergency plans, use of force, appropriate use of restraints, control of caustics, flammable, and toxic materials, facility program schedule, classification policies, discipline, confinement, key and tool control, mail, visits, use and storage of security equipment, crisis instructions and suicide prevention, investigations, reporting of unusual incidents, and relationship to local law enforcement.
- b) The facility control room shall serve as the facility command and communication center and may serve as the point of issue for facility keys and security equipment.
 - 1) The facility shall have a communication system between the control room and all youth living, activity, and program areas. This may include an intercom or closed circuit T.V. system.
 - 2) The control room may also serve as the point of control of the fire alarm system, staff and visitor sign-ins, and mail.
- c) The facility's perimeter shall be controlled by appropriate means to ensure youth remain within the facility perimeter and to prevent access by the general public without proper authorization.
- d) When both males and females are housed in the facility, at least one male and one female staff member shall be on duty at all times.
- e) The facility shall prohibit any youth or group of youth from having control or authority over other youth.
- f) Staff shall control youth access to all areas of the facility.
- g) Access to supplies shall be based on operational needs.
- h) The shift supervisor shall conduct a security inspection each shift of all areas within the facility occupied by youth. All other areas and security devices are to be inspected by designated staff each week.
 - 1) The shift supervisor shall submit a written report of the shift and weekly inspections to the Chief Administrative Officer.

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- 2) The inspections shall be reported on forms that contain, but are not limited to:
 - A) A list of all items or areas to be inspected and an indication that each item or area was inspected;
 - B) Any deficiency detected;
 - C) The name of the staff conducting the inspection;
 - D) Whether the inspection is a shift or weekly inspection; and
 - E) The date and time of the inspection.
- 3) The facility shall be divided into one or more zones with each zone having a unique inspection form. The facility may combine security inspections and the safety and sanitation inspections required in Section 801.680 on one form.
- 4) Areas or items to be inspected shall include, but not be limited to:
 - A) Living and activity areas;
 - B) Yard and open areas;
 - C) Walls, fences, and all perimeter areas;
 - D) Windows and screens;
 - E) Grilles;
 - F) Doors and locks;
 - G) Vent ducts;
 - H) Walls and ceilings;
 - I) Tunnel entrances;
 - J) Video systems;
 - K) Vehicle cages;
 - L) Security restraints; and
 - M) Metal detectors.
- i) Unusual incidents shall be reported in accordance with Section 801.350. Persons injured in an incident shall be provided with immediate access to medical services.
- j) Firearms shall be prohibited within the facility, except during an emergency where the weapon is under the control of law enforcement officers.
- k) The facility shall establish a bound confinement and sanctions log to record in sequential chronological order all actions which result in the placement of a youth on room restriction, time-out restriction to his or her room for purposes of regaining control, placement in confinement pursuant to a disciplinary action, placement on suicide precautions, or use of therapeutic restraints. The log shall include the date, name, youth identification number, type of sanction or action, time action was imposed, time action was withdrawn, the reason, and authorizing staff name. All entries shall be signed and dated. The log shall serve as the central register for all correctional sanctions imposed or actions taken to address mental health issues, suicidal behavior, or behavior modification plans. Logs shall be retained for at least two years.
 - 1) Routine information, emergency situations, and unusual incidents that occur on each shift shall be recorded in a permanent bound shift log.

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- 1) All log entries shall be dated and signed by the person responsible for the entry.
- 2) The log shall be reviewed and the review acknowledged by each succeeding shift supervisor.
- 3) Shift logs shall be retained for at least two years and shall be available for inspection by the Department.
- m) A bound writ and court order log shall be maintained to record in chronological order by youth name, number, and date received the receipt of all writs, court orders, detainers, or other legal notices related to a youth's custody status, placement, guardianship, legal affairs, or continuing court cases or criminal prosecutions. The log shall identify the source of the document, type, nature of the order or notices, and date of appearance or date by which information or other action is due. The log shall be signed by the Chief Administrative Officer. Logs shall be retained for at least two years.

Section 801.510 Use of Force

- a) The facility shall establish a written plan regarding guidelines for the use of force and restraints. The plan shall identify the method of control, identify persons authorized to implement the methods, and establish the training required for these persons.
- b) Corporal punishment shall be prohibited.
- c) Force shall be employed as a last resort or when other means of behavioral management are unavailable or inadequate and only to the degree reasonably necessary to regain control of the situation.
- d) Use of force shall be terminated as soon as force is no longer necessary.
- e) Medical review and care, if necessary, shall be provided following any use of force which results in bodily injury.
- f) Force may be used under the following circumstances:
 - 1) To compel compliance with a lawful order given by an employee to ensure the safety and security of the facility.
 - 2) To protect oneself or any other person from physical assaults, injury, or death.
 - 3) To prevent an escape from the facility or from the custody of employees while in the community.
 - 4) To protect facility property or the property of others from serious damage or destruction.
 - 5) To prevent or suppress a riot, revolt, insurrection, or other serious disturbance.
- g) When any force is used, an unusual incident report shall be filed pursuant to Section 801.350 of this Subpart.
- h) Preliminary review of all instances of use of force shall be made by the Chief Administrative Officer and a written report of the circumstances and administrative response shall be submitted to the Licensing Administrator within 72 hours after the incident.

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Section 801.520 Youth Counts

- a) The facility shall develop a system for physically counting each youth during each shift. The system shall include strict accountability for all youth assigned to the facility, including all youth present at the facility, all youth on authorized absence, all youth released for any reason, and all youth discharged from the facility during each shift.
- b) A formal record of these counts shall be made and signed by the shift supervisor prior to the end of his or her shift.
- c) Counts shall be reconciled daily with the official record of all admissions to and discharges from the facility.

Section 801.530 Youth Movement

- a) Staff shall regulate and supervise all youth movement.
- b) The facility shall establish a written plan which governs the transportation of youth outside the secure facility and from one jurisdiction to another.
 - 1) It is the responsibility of the facility to provide secure transport of youth including but not limited to transport ordered pursuant to valid court writs or orders and to ensure vehicles operated comply with applicable motor vehicle laws, including insurance and inspection requirements.
 - 2) Staff must have a valid driver's license and operate vehicles in accordance with applicable motor vehicle laws while on duty.
 - 3) The Department must approve any security modifications to vehicles which include addition of security screens, plexiglass partitions or window borders, or other modifications.

Section 801.540 Security Restraints

The facility shall establish a policy for the issuance and control of security restraints and security devices.

- a) An inventory of all security equipment and restraint equipment shall be maintained.
- b) Broken and dysfunctional equipment shall be withdrawn, repaired, replaced, or disposed of and the inventory shall be updated.
- c) The facility shall obtain the Department's approval for the type and quantities of restraints to be utilized.
- d) The Chief Administrative Officer of the facility shall identify the circumstances under which security restraints may be utilized, by whom, and by whose authority.
- e) Training requirements for staff regarding authorized use of restraints shall be specified.
- f) Restraints such as handcuffs, shackles, and transportation belts shall never be applied as punishment and shall be applied only with the approval of the Chief Administrative Officer.
- g) Only security equipment approved by the Department may be issued to

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authorized facility staff who have met the required training requirements.

Section 801.550 Control of Contraband

- a) The facility shall establish a procedure for the scheduled and unscheduled search of the facility and youth to control contraband and provide for its proper disposition.
- b) Policies regarding such searches shall be made available to staff and youth.
- c) Contraband shall be defined as possession by a youth of any of the following:
 - 1) Alcohol;
 - 2) Cannabis or controlled substances;
 - 3) Weapons including firearms, knives, cudgels, broken glass, or similar cutting devices or clubs;
 - 4) Flammables, explosives, matches or lighters;
 - 5) Ammunition;
 - 6) Chemical agents or electric stun-guns;
 - 7) Tools, keys, chains, or ropes;
 - 8) Gum, putty, or caulk;
 - 9) Any smoking or tobacco materials in the possession of youth; or
 - 10) Any other item identified by the Chief Administrative Officer proscribed due to safety or security reasons.

Section 801.560 Searches

- a) Youth and their clothing, personal property, and living areas shall be subject to search at any time.
- b) Manual or intrusive inspection of body cavities shall only be conducted when reasonable suspicion exists that contraband may be hidden in a body cavity and when authorized by the facility Chief Administrative Officer and approved by the Licensing Administrator. Such searches shall be conducted in private by health care personnel. These body searches shall be documented on an unusual incident report.
- c) Strip searches and visual inspections of the youth's body may be conducted based on a reasonable belief that the youth is carrying contraband or other prohibited material upon approval by the facility Chief Administrative Officer. The inspection shall be conducted in private by a trained staff member of the same sex as the youth and shall be documented on an unusual incident report.
- d) Pat down searches of a youth's clothing and person shall be performed prior to placement in or release from any confinement unit and prior to or upon return from a court trip, medical trip, visit, or work detail.
- e) The facility shall post or give prior notice to visitors that visitors and their possessions shall be subject to search upon entry to the facility.

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Section 801.570 Key Control

The facility shall maintain a system to control keys and their use which provides for accounting of the location and possessor of each key.

- a) All keys shall be issued from a central control area.
- b) A log shall be used to record the number of each key or ring issued, and the name of the receiving staff. A master inventory showing the location of the lock, the number of keys to that lock, and the names of all employees assigned to the key shall be maintained.
- c) Facility keys shall be stored so that their presence or absence can be easily determined.
- d) Facility keys that are not retained on an assigned post shall be returned to the control center by the end of the work shift. Broken keys and locks shall be immediately reported and replaced as soon as possible.
- e) All key rings shall be numbered and the facility shall maintain at least one duplicate key for each lock.
- f) An emergency set of keys shall be securely maintained in the control center. Fire and emergency keys shall be color-coded and marked for identification by touch.
- g) Youth shall be prohibited from possessing keys.
- h) Facility policy may control staff possession of personal keys while on duty.

Section 801.580 Tools and Equipment

- a) The facility shall develop a written plan governing the control, inventory, storage, and use of tools and culinary, medical, and security equipment. The policy shall limit hazardous tool access to staff only.
- b) The level of authority required for access and use of tools and equipment shall be specified.

Section 801.590 Vehicles

The facility shall establish procedures governing the use and security of facility vehicles and the use of personal vehicles for official purposes. Provisions for insurance coverage shall be included.

Section 801.600 Safety and Emergency Procedures

- a) Fire Safety
 - 1) The facility shall establish a written fire prevention plan, including at a minimum:
 - A) provision for an adequate fire protection service;
 - B) A system of fire extinguisher inspection and testing of equipment at least quarterly or at intervals approved by the State Fire Marshal;

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- C) An annual inspection by the State Fire Marshal;
 - D) Availability of fire protection equipment at appropriate locations throughout the facility; and
 - E) Monthly inspection by the on-site fire plan coordinator.
- 2) A comprehensive and thorough inspection of the facility shall be conducted annually or on a schedule approved by the State Fire Marshal to determine compliance with safety and fire prevention standards. A weekly fire and safety inspection of the facility shall be made by a trained facility staff member.
- 3) Facilities shall be equipped with noncombustible receptacles at all entrances for extinguishing smoking materials and shall have separate containers for other combustible refuse at accessible locations throughout living quarters in the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids that meet Underwriters Laboratory specifications. All receptacles and containers shall be emptied and cleaned daily.
- 4) The fire plan shall be reviewed annually and updated as needed.
- b) Flammable, Toxic, and Caustic Materials
- The use and storage of all flammable, toxic, and caustic materials shall be controlled. These materials must be under direct staff control and be properly stored and secured. Warning labels to prevent use by children must be strictly followed.
- c) Emergency Power and Communications

- 1) The facility shall have access to an alternative power source to maintain essential services in an emergency. The facility shall have emergency lights in areas such as living, activity, and program areas, housing units, and all means of egress in accordance with applicable fire and building codes.
- 2) The facility shall provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.
- 3) The facility shall establish a written evacuation plan prepared in the event of a fire or a major emergency that shall be approved by the State Fire Marshal. The plan shall be reviewed annually and updated as needed. Revised plans shall be reissued and provided to the State Fire Marshal and to the local fire safety authority. The plan shall include the following:
 - A) Location of buildings and room floor plans;
 - B) Use of exit signs and directional arrows for traffic flow;
 - C) Location of publicly posted evacuation plans; and
 - D) Monthly drills in all occupied locations of the facility.
 Where evacuation of dangerous youth would be a breach of security or pose a safety concern, staff drills may be conducted instead of evacuating such youth.

d) Emergency Plans

- 1) All facility personnel shall be trained in the implementation of written emergency plans. Work stoppage and riot or disturbance

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- plans shall be communicated only to appropriate supervisory staff or other personnel directly involved in the implementation of those plans.
- 2) The facility shall provide the means for the immediate release of youth from locked areas in case of an emergency and provide for a backup system.

e) Runaways

The facility shall establish a written plan regarding runaways. The plan shall insure a timely coordinated response to the youth's runaway situation consistent with public safety. The plan shall be reviewed at least annually and updated as needed.

Section 801.610 Criminal Violations

Where a youth allegedly commits an act in violation of criminal law, the case shall be referred to appropriate law enforcement officials for consideration of prosecution. The Licensing Administrator shall be advised of the unusual incident immediately in accordance with Section 801.350 of this Subpart.

Section 801.620 Warrants

- a) The facility shall immediately advise the Licensing Administrator of all circumstances in which there exists a need to direct law enforcement to apprehend or to hold and detain secure care youth in detention facilities.
- b) The Licensing Administrator shall cause warrants for apprehension and detention to be issued including hold orders to local detention facilities whenever secure care youth who are in the custody of the Department runaway from placements, are court ordered into alternative detention or custody, or require placement in local detention facilities pending administrative or legal action.

Section 801.630 Youth Rights

- a) Access to Courts
 - Youth shall have reasonable access to the courts pursuant to federal or State law.
- b) Access to Counsel
 - Youth shall be permitted reasonable access to counsel. The facility shall assist youth in making confidential contact with attorneys and their authorized representatives, as needed. Such contact shall include, but not be limited to, telephone communications, uncensored correspondence, and visits.
- c) Access to Programs and Services
 - 1) Youth shall not be subjected to discrimination based on race, religion, national origin, sex, or disability.
 - 2) Programs and services shall be accessible to youth with disabilities who are confined in the facility.

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Section 801.640 Discipline of Youth

- a) The facility shall develop a multi-level behavioral management and disciplinary plan which focuses on preventing negative behavior through intervention techniques. The process shall be individualized in its approach with each youth in teaching pro-social values and behavior.
- b) The plan shall include rules of behavior for youth in simple, understandable language. The rules shall differentiate between major and minor infractions.
- c) The plan shall:
 - 1) Detail the purpose, scope, and limits of the approved behavioral management techniques;
 - 2) Describe the personnel authorized to administer the behavioral management techniques and the methods and procedures by which the techniques are to be administered;
 - 3) Outline the disciplinary penalties for violation of the rules of behavior and the disciplinary procedure by which such penalties may be imposed;
 - 4) Identify a range of corrective actions available for minor infractions, including counseling efforts and the use of room restrictions for the purpose of behavioral control, and identify those persons with authority to impose room restrictions; and
 - 5) Provide that all persons using the techniques are trained in their use and are supervised.
- d) The facility shall not use any behavioral management techniques not contained in the plan as approved by the Department.
- e) The rules of behavior and disciplinary penalties shall be made available to each youth.
- f) Discipline shall be suited to the infraction and fairly applied. Disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, contact with attorneys or religious representatives, attendance at religious activities, and reductions in the frequency of use of toilets, washbowls, and showers shall be prohibited.
- g) Disciplinary restrictions on other privileges shall be related as closely as practicable to abuse of such privileges.
- h) A written report of any behavior which may result in disciplinary action shall be made by the employee who observes the behavior, discovers evidence of a rule infraction, or receives information of such behavior from a reliable source.
- i) The report shall include the following to the extent known or available:
 - 1) Name and identification number of the youth;
 - 2) Time, date, and place of the rule infraction, including the name of the secure care facility;
 - 3) The infraction alleged to have been committed;
 - 4) A written statement of the behavior observed;

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- 5) The names of witnesses;
- 6) A statement of any immediate action taken; and
- 7) Signature of reporting person and the date and time the report was made.
- j) The report and action requested shall be reviewed by the facility shift supervisor if the action taken results in loss of privileges or room restrictions.
- k) The report must be filed with the Chief Administrative Officer within 72 hours after the occurrence of the infraction or the discovery of it and shall be placed in the youth's file. A copy of the report shall be forwarded immediately to the Licensing Administrator in all cases of major violation which result in confinement.
- l) If the Chief Administrative Officer determines that the minor corrective action was inappropriate or ineffective or that the youth has not regained control, the youth may be confined in his or her room for a period up to 24 hours. When determined necessary, such confinement may be renewed in writing by the Chief Administrative Officer for up to an additional 24 hours.
- m) If a youth is suspected of violating a major rule, an investigation may be conducted. A youth may be confined in his or her room or in a designated area by the Chief Administrative Officer pending resolution of the investigation or pending a disciplinary hearing. The decision to place in such confinement may depend on: the aggressiveness of the youth; the threat to safety and security; and the seriousness of the rule infraction. Any major violations which may constitute a criminal offense must be reported immediately to the Licensing Administrator as an unusual incident.
- n) No youth may be confined for disciplinary reasons for more than seven consecutive days nor more than 15 days in any 30 day period except in cases of violence or attempted violence committed against another person or property when an additional period of confinement for disciplinary reasons is approved by the Chief Administrative Officer. In disciplinary cases which may involve the imposition of disciplinary confinement or a change in education or other programming of more than seven days duration, the Chief Administrative Officer shall establish disciplinary procedures which include at a minimum:
 - 1) An impartial decision-maker shall be appointed. The person or persons who initiate a disciplinary charge against a youth shall not decide the charge. To the extent possible, a person representing the counseling staff of the facility shall participate in deciding the disciplinary case.
 - 2) Any youth charged with a violation of rules of behavior shall be given notice of the charges including a statement of the misconduct alleged and of the rules this conduct is alleged to have violated.
 - 3) Any youth charged with a violation of rules is entitled to a hearing on that charge at which time he or she shall have an opportunity to appear before and address the person or persons

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- deciding the charge.
- 4) The persons deciding the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned. The youth may request that certain witnesses be interviewed prior to the hearing.
 - 5) The decision-maker shall decide whether the youth committed the offense based upon all relevant information and evidence. The person deciding must be reasonably satisfied that the youth committed the offense for him or her to be found guilty.
 - 6) If the charge is sustained by the Chief Administrative Officer, the youth charged is entitled to a written statement of the decision by the persons deciding the charge which shall include the basis for the decision and the disciplinary action, if any, to be imposed.
 - 7) The hearing summary shall include the following:
 - a) The name and identification number of the youth;
 - b) The date, time, and location of the offense, including the name of the secure care facility;
 - c) The hearing date and time;
 - d) The names of any witnesses and a statement of any witnesses' testimony provided prior to or at the hearing;
 - e) A record of the hearing proceedings;
 - f) A disposition and basis for the decision, including a finding of guilty or not guilty on each charge and the rationale for each finding;
 - g) The disciplinary action recommended to the Chief Administrative Officer;
 - h) The decision by the Chief Administrative Officer, which may include approval, disapproval, or changes to the recommendation; and
 - i) The signature of the Chief Administrative Officer and the date reviewed.
 - 8) A copy of the disciplinary report and the hearing summary shall be filed in the youth's master record file.
 - p) Disciplinary action imposed under this Section may be appealed under the grievance procedure established in Section 801.660 of this Subpart.

Section 801.650 Confinement

- a) Confinement shall not be used unless one of the following conditions exists:
- 1) The youth's behavior poses a serious threat to the physical safety of him or herself or others or to the safety or security of the facility.
 - 2) The youth has violated or is under investigation for violating the facility's rules of behavior for which the penalty of

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- confinement may be imposed; or
- 3) The youth is waiting for transfer to a more secure facility.
 - b) A visual check of all youth in disciplinary confinement or on room restriction shall be made no less than every 15 minutes and shall be documented.
 - c) A youth confined in his or her room or another designated area for disciplinary reasons shall be interviewed during waking hours by the facility counselor, shift supervisor, or other staff approved by the Chief Administrative Officer at least every 4 hours.
 - d) Youth in confinement shall be provided time outside of his or her assigned room for showers, and at least four hours outside of the confinement room for every 24 hours in confinement. Family, attorney, and religious visits shall not be restricted unless the Chief Administrative Officer determines that the youth poses a threat to the physical safety of him or herself or others or to the security of the facility. Time outside the confinement room may be restricted by the Chief Administrative Officer, with permission of the Licensing Administrator, when release of youth poses a threat to safety of youth or others, or to the security of facility.
- Section 801.660 Grievance Procedure**
- a) Youth shall attempt to resolve problems or complaints informally by discussing them with facility staff.
 - b) If the youth is unable to resolve the complaint informally or if the complaint concerns the imposition of discipline, the youth shall be provided with access to a grievance procedure established by the facility.
 - 1) A system to provide information to the youth shall be provided with the grievance procedure.
 - 2) A timely review of the grievance shall be conducted by a person or persons employed by the facility and appointed by the Chief Administrative Officer other than those directly responsible for the conditions or actions complained of in the grievance.
 - A) This review shall take place within five working days after receipt of the grievance.
 - B) The findings and recommendations shall be submitted to the Chief Administrative Officer within ten working days after initial receipt of the grievance. The Chief Administrative Officer shall advise youth of the decision in writing within fifteen working days after initial receipt of the grievance.
 - C) Youth may appeal to the Deputy Director. The Deputy Director shall provide for a timely review and decision in writing to the youth.
 - 3) Assistance by impartial facility staff in drafting the grievance shall be provided when requested and when it has been determined that the youth is unable to draft the grievance without assistance.

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- c) The grievance procedure shall not be a barrier to youth processing complaints directly to the Deputy Director.
- d) Disciplinary action or reprisals may not be taken against a youth for using the grievance procedure.
- e) Copies of all grievances and responses shall be maintained in the youth's file.

Section 801.670 Food Service

- a) The facility shall:
 - 1) Employ a staff member who is trained and experienced in food service management to supervise food service operations; or
 - 2) Contract with a provider who meets all conditions set forth for food service management and compliance with applicable meal scheduling hours and regulations.
- b) Accurate records shall be maintained of all meals served, including menus served for the past 12-month period.
- c) The facility's system of dietary allowance shall be reviewed and documented at least annually by a dietitian to ensure compliance with nationally recommended food allowance appropriate for the age group of secure care youth to be housed in the facility.
- d) The food service staff shall develop advance planned menus and shall substantially follow the required meal schedule. In the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability shall be taken into consideration.
 - 1) Menus shall be posted one week in advance.
 - 2) The food service plan shall provide for a single menu for both staff and youth.
- e) Special diets as prescribed by appropriate medical or dental personnel shall be provided.
- f) The use of or denial of food as a disciplinary measure shall be prohibited.
- g) Special diets for youth whose religious beliefs require the adherence to religious dietary laws shall be provided. Alternative entrees to pork or pork products or meat substitutes shall be made available.
- h) Food services shall comply with the applicable sanitation and health codes as promulgated by federal, State, and local authorities.
- i) Weekly inspections shall be conducted of all food service areas, including dining and food preparation areas, by the Chief Administrative Officer or designee. The inspections shall include: equipment; sanitation records; and temperature-controlled storage facilities for all foods. The weekly inspections shall be documented.
- j) Daily checks of refrigerator, freezer, and dishwasher temperatures shall be conducted by administrative, medical, or dietary personnel for compliance with applicable public health standards. The daily checks shall be documented. Food shall be maintained at the following temperatures.
 - 1) Dietary shelf goods shall be maintained at 45 to 80 degrees

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- Fahrenheit;
 - 2) Refrigerated foods shall be maintained at 35 to 40 degrees Fahrenheit; and
 - 3) Frozen foods shall be maintained at 0 degrees Fahrenheit or below.
- k) Staff shall supervise youth during meals and ensure proper portion control and sanitation.
 - 1) Youth shall be provided group dining except due to safety or security considerations. The food preparation area shall be secured from the dining area during meals.
 - 2) Youth shall not be permitted to take food back to their rooms or to give away, trade, or exchange portions.
 - 3) Second helpings may be provided.
 - 4) The Chief Administrative Officer shall be advised of youth who are not eating.
 - 5) Careful accounting for eating utensils shall be made. Hazardous kitchen tools, including knives, shall be accounted for and secured before youth are admitted to the dining room prior to each meal and at the end of the day.
- l) At least three nutritious meals, of which two are hot meals, shall be provided at regular meal times during each 24-hour period, with no more than 14 hours elapsing between the evening meal and breakfast. A nutritious evening snack shall be provided to each youth daily. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.
- m) Health protection shall be provided for all youth and staff in the facility and youth and other persons working in food service.
 - 1) As required by State and local laws or regulations applicable to food service employees, all personnel and youth involved in the preparation of food shall receive a pre-assignment medical examination and periodic re-examinations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. All examinations shall be conducted in accordance with public health requirements and shall be documented in appropriate employee medical and youth master record files.
 - 2) When the facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with State and local regulations regarding food service standards.
 - 3) All food handlers shall be trained and instructed to wash their hands upon reporting to duty, after using toilet facilities, and before touching food.
 - 4) Youth and other persons working in food service shall be monitored each day for health and cleanliness by the director of food services or his or her designee.
 - 5) Youth working in food service areas shall be under continuous supervision by staff.

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Section 801.680 Safety and Sanitation

- a) Weekly documented safety and sanitation inspections of all facility areas shall be conducted to ensure compliance with applicable federal, State, and local sanitation and health codes and to control vermin and pests.
- b) There shall be a comprehensive written housekeeping plan and cleaning schedule for the facility. Youth may be assigned housekeeping tasks and provided with training and supervision necessary for skill development and safety. Cleaning supplies, caustics, and toxins shall be controlled and dispensed by staff and items marked with warning labels shall be kept out of the hands of youth.

Section 801.690 Bedding, Linen, and Clothing

- a) The stored supply of clothing, linens, and bedding shall exceed that required for the facility's maximum declared population capacity. There shall be accountability for clothing and bedding issued to youth.
- b) Each youth shall be issued suitable clean bedding and linen, including two sheets, a pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperatures. At least weekly there shall be a linen exchange or replacement of soiled items.
- c) Youth shall be provided the opportunity to have seven complete sets of clean clothing per week.
- d) The facility shall provide for the thorough cleaning and, when necessary, disinfecting of youth personal clothing before storage or before allowing the youth to keep and wear personal clothing.

Section 801.700 Personal Hygiene

- a) The facility shall have a shower schedule that allows for supervised daily showers and youth access to showers after strenuous exercise. Youth shall shower individually.
- b) Articles that are necessary for maintaining proper personal hygiene shall be provided to all youth.
- c) Hair care services by licensed barbers or beauticians shall be available to youth every four weeks.

Section 801.710 Health Care Services

- a) The facility shall have a designated health authority who shall be responsible for the development and implementation of a plan for youth medical and mental health services, including emergency services, and youth health care pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator, or health agency. When the authority is other than a physician, final medical judgements rest with a single designated

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- physician. The health authority shall meet at least quarterly with the Chief Administrative Officer on the development of facility health services and planning.
- b) The plan shall include procedures which govern the relationship and the activities of private physicians working with youth in the facility.
- c) Appropriate State and federal licensure, certification, or registration requirements and restrictions apply to all personnel who provide health care services to youth. The duties and responsibilities of such personnel shall be governed by written job descriptions approved by the health authority. Verification of current credentials and job descriptions shall be maintained on file in the facility.
- d) The youth's parents or guardian and the Licensing Administrator shall be notified in case of serious illness or injury, surgery, or death.
- e) The facility shall have a written agreement between the facility or the facility's health authority and a nearby urgent care center or hospital for all medical services that cannot be provided within the facility, including emergency services. When a youth is in need of urgent care or hospital services, he or she shall be accompanied by a staff member who stays with the youth. Notification shall be made to the Licensing Administrator and to the parent or guardian at the time of any admission or as soon as possible thereafter. Continuous same sex security coverage for the admitted youth shall be provided consistent with the youth's medical condition.
- f) If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, materials, and training as determined by the responsible physician shall be provided for the performance of primary health care delivery and responses to medical emergencies.
- g) Health care policies shall be communicated orally and in writing to each youth on arrival at the facility and shall be in a language clearly understood by each youth.
- h) Youth medical complaints shall be monitored and responded to daily by medically trained personnel who document the complaint and the action taken.
- i) Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or similar provider shall be performed pursuant to written standing or direct orders by a physician or dentist. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.
- j) A history of each youth's immunizations shall be obtained when the health appraisal data are collected. Immunizations shall be updated as required within legal constraints.
- k) In facilities housing females, obstetrical, gynecological, family planning, and health education services shall be provided as needed.
- l) Arrangements shall be made with health care specialists, for example, pediatricians, allergists, dermatologists, or otorhinolaryngologists,

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in advance of need in order to ensure timely and direct access to specialists.

- m) When facilities do not have full-time, qualified, licensed health care personnel on duty, a health-trained staff member shall be available on site at all times and shall coordinate the health delivery services in the facility under the joint supervision of the health authority and the Chief Administrative Officer. A health-trained staff member is one who is minimally trained in accordance with Section 801.750.

- n) Questions regarding the appropriateness of medical treatment shall be referred through the Licensing Administrator to the Department's Medical Director.

- o) The plan shall address the management of serious and communicable diseases. These policies and procedures shall be updated as new information becomes available. The plan shall include: an ongoing educational program for staff and youth; control, treatment, and prevention strategies that may include screening and testing, special supervision, or special housing arrangements, as appropriate; pre-release planning; notification to the Deputy Director; and protection of individual confidentiality pursuant to federal, State, and local laws and regulations.

- p) Any employee or youth suspected of having a communicable disease shall have a medical examination.

- q) The plan shall provide for the emergency detoxification of youth from alcohol, opiates, barbiturates, and similar drugs to be performed under medical supervision.

- r) The plan shall provide for the clinical management of chemically dependent youth.

- s) All informed consent standards in the jurisdiction where the facility is located are observed and documented for medical care. The informed consent of parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it shall be in accordance with federal and State laws and Department rules.

Section 801.720 Mental Health Services

- a) The health authority in the establishment of the plan for medical and mental health services shall provide for mental health services to be administered to youth as clinically indicated and shall describe the provisions for the use of therapeutic restraints, suicide precautions, and psychotropic medication as specified in this Section.

- b) The services described in the plan shall include, but not be limited to, those provided by qualified mental health professionals. Crisis care shall be provided for youth experiencing emotional problems, evidencing suicidal behavior, or who are in need of immediate clinical evaluation or services.

- c) The plan shall describe the criteria which must be present prior to utilization of therapeutic restraints. The plan shall include a

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minimum the following provisions:

- 1) IF after personally observing and examining the youth, a mental health professional determines that a youth is acutely suicidal or poses an immediate threat of serious physical harm to himself or herself or others which may not adequately respond to less restrictive treatment modalities, a psychiatrist or physician may issue an order for the appropriate application of therapeutic restraints for a set period of time consistent with the approved plan. The order shall be documented by the psychiatrist or physician and shall include:

- A) The events precipitating the need for therapeutic restraints and the purpose for using these restraints;

- B) The type of restraints to be utilized; and

- C) The length of time the therapeutic restraints are to be used and the clinical reasons for this decision.

- 2) Therapeutic restraints may consist of complete body restraints, or restraints of one or more limbs. Utilization of mechanical security restraints in lieu of therapeutic restraints shall be prohibited.

- 3) Therapeutic restraints shall be applied on a secured bed located in a restricted area in a facility infirmary or a similar setting where nursing or child care staff shall provide continuous visual observation of the youth. These locations shall be approved by the Department. Visual and audible observations shall be documented in writing for each ten-minute period.

- 4) Therapeutic restraint equipment shall consist of leather belts with adjustable and lockable rubber or plastic cuffs that can be sanitized following each use. The facility shall maintain a list and description of restraints which have been designated as acceptable for therapeutic purposes by the consulting psychiatrist or the facility physician. The equipment shall be inspected prior to each use by medical staff or mental health professionals or in their absence by the shift supervisor to ensure that the equipment is maintained in a safe and functional condition. Restraint equipment shall be inspected at least annually by the consulting psychiatrist or the facility physician.

- 5) The youth shall be released under supervision in order to perform bodily functions.

- 6) Application of therapeutic restraints shall be made only by trained personnel acting under the supervision of a mental health professional or licensed health care personnel.

- 7) The physician shall review youth on medications and youth with chronic medical problems prior to the application of therapeutic restraints and any precautions involved with the restraint order shall be documented.

- 8) Therapeutic restraints shall be removed upon the expiration of the order or upon the order of a psychiatrist, physician, or

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other mental health professional after personally evaluating the youth.

9) The use of therapeutic restraints shall be reported as an unusual incident as outlined in Section 801.350 of this Subpart.

d) Administration of psychotropic medications shall conform to the requirements set forth in 20 Ill. Adm. Code 415.70 and shall be reported to the Licensing Administrator.

1) If a treatment review committee hearing is to be held pursuant to 20 Ill. Adm. Code 415.70, the Department's Medical Director and the Licensing Administrator shall be given 72-hours notice.

2) Under no circumstances shall a psychotropic drug be administered for the purpose of program management and control.

e) The plan shall provide for screening, care, and referral for care for mentally ill youth. The consulting psychiatrist or the facility physician shall designate specific referral sources in advance. Emergency transfers to mental health facilities shall be approved and supervised by the consulting psychiatrist, the facility physician, or a licensed mental health professional and reported to the Licensing Administrator as soon as possible following the emergency mental health placement.

Section 801.730 Pharmaceutical Items

a) The facility shall have a written plan which provides for the proper management and secure storage of pharmaceutical items and addresses the following:

1) Prescription practices, including the following requirements:

A) Psychotropic medications shall be prescribed only when clinically indicated as one facet of a program of therapy and administered in accordance with 20 Ill. Adm. Code 415.70;

B) "Stop order" time periods shall be required for all medications; and

C) The prescribing provider shall reevaluate a prescription prior to its renewal and at a minimum every 30 days.

2) Procedures for medication receipt, secure storage, issuance, and or processing documentation.

3) Secure storage and periodic inventory of all controlled substances, syringes, and needles.

4) Provision of medicine to youth shall be by persons properly trained and under the supervision of the health authority and facility administrator or designee.

5) Accountability for providing medications to youth in a timely manner and according to medical orders.

b) The person providing medications to youth shall have training from the facility physician and shall be accountable for providing medications according to health authority requirements and policy. Medications provided shall be recorded in a manner and on a form approved by the

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facility physician.

Section 801.740 Health and Dental Screening and Examinations

a) Medical, dental, and mental health screening shall be performed by health-trained or licensed health care personnel on all youth upon arrival at the facility if such examinations have not been completed immediately prior to placement and indicated in the intake documentation. All findings shall be recorded on a form approved by the health authority. The screening form shall include at least the following:

1) Observation of:

A) Behavior, which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating.

B) Body deformities, ease of movement, etc.

C) Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of substance abuse.

2) Inquiry into:

A) Chronic medical problems requiring supervision.

B) Current illness and health problems, including sexually transmitted diseases (STD) and other infectious diseases.

C) Dental problems.

D) Mental health problems.

E) Use of alcohol and other substances, including types of substances used, mode of use, amounts used, frequency of use, date or time of last use, and a history of problems that may have occurred after ceasing use.

F) Past and present treatment or hospitalization for mental disturbance or suicide attempts.

G) Other health problems designated by the responsible physician.

H) Pregnancy.

3) The medical follow-up of the youth to be placed in general population, including:

A) Appropriate referral to health care services;

B) Referral to appropriate health care services for emergency treatment;

C) Restrictions of activity or program participation; or

D) Additional services or activity required.

b) At the time a youth is admitted, program and youth direct care staff may be informed of special medical and mental health concerns on a need-to-know basis.

c) Health appraisal including:

1) Health history and vital signs collected by health-trained or licensed health care personnel.

2) Collection of all other health appraisal data by licensed health care personnel.

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3) Review by licensed health care personnel of the results of the medical examination and tests performed and identification of any problems.

d) Dental care shall be provided to each youth under the direction and supervision of a licensed dentist. This care shall include:

- 1) Dental examination immediately prior to placement or upon admission.
- 2) Dental hygiene service immediately prior to placement or within 14 days after admission.
- 3) Dental follow-up within seven days after admission as indicated.
- 4) Dental treatment.

e) Emergency medical, dental, and mental health care shall be available to youth on a 24-hour basis. Availability of these services shall be outlined in a written plan that includes arrangements for the following:

- 1) On-site emergency first aid and crisis intervention.
- 2) Emergency evacuation of the youth from the facility.
- 3) Use of an emergency medical vehicle.
- 4) Use of one or more designated hospital emergency rooms or other appropriate health facilities.
- 5) Emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community.
- 6) Security procedures when transportation is required for youth.
- 7) Process to notify the Licensing Administrator, parents, and guardians.

Section 801.750 Medical Responses

a) Medical personnel and other facility staff shall be trained to respond to emergency health-related situations within a four-minute response time to anywhere within the facility. A training program shall be established and certified by the responsible health authority in cooperation with the Chief Administrative Officer. The program shall include:

- 1) Recognition of signs and symptoms and knowledge of action required in potential emergency situations.
- 2) Administration of first aid and cardiopulmonary resuscitation (CPR).
- 3) Methods of obtaining assistance and communication.
- 4) Signs and symptoms of mental illness, disabilities, and chemical dependency.
- 5) Procedures for patient transfers to appropriate medical facilities or health care providers.
- 6) Staff access to emergency cut down tools such as "knife for life", an airway micro shield for CPR, and protective latex gloves.
- 7) How to request an ambulance.

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- 8) Protection from blood-borne pathogens.
- b) First aid kits shall be available. The health authority shall approve the contents, number, location, and procedure for periodic inspection of the kits. The facility shall have emergency cut down tools available to on-duty staff.
- c) Sick call for non-emergency medical services shall be available to each youth at a minimum of once per week.

Section 801.760 Health Education

Programs and training shall be provided to youth for the development of sound habits and practices regarding personal hygiene; sex education; and avoiding sexually transmitted diseases, H.I.V., and infectious diseases; drug education and substance abuse; and education related to consequences of use of tobacco.

Section 801.770 Suicide Prevention and Intervention

A written suicide prevention and intervention program shall be reviewed and approved by a licensed medical or mental health professional. All staff who supervise youth shall be trained in the implementation of the program. The program shall include specific procedures for: intake and admission screening; identification and supervision of suicide-prone youth; and crisis intervention responses to suicidal behavior or gestures.

Section 801.780 Health Records

a) The youth's health record shall, where appropriate, contain the following:

- 1) The completed receiving screening form;
 - 2) Health appraisal data forms;
 - 3) All findings, diagnoses, treatments, and dispositions;
 - 4) Prescribed medications and their administration;
 - 5) Laboratory, x-ray, and diagnostic studies;
 - 6) Signature and title of documentor;
 - 7) Consent and refusal forms;
 - 8) Release of information forms;
 - 9) Place, date, and time of health encounters;
 - 10) Health service reports, such as, dental, mental health, and consultation reports;
 - 11) Treatment plan, including nursing care plan;
 - 12) Progress reports; and
 - 13) Discharge summary of hospitalization and other termination summaries.
- b) The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping shall be approved by the health authority.
- c) The facility shall have a written policy and procedure which upholds the principle of confidentiality of the health record and supports the

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following requirements:

- 1) The active health record shall be maintained separately from the youth's master record file.
- 2) Access to the health record shall be controlled by the health authority. The Department's licensing or medical personnel shall have unrestricted access to a youth's medical record.
- 3) The health authority shall share with the Chief Administrative Officer information regarding a youth's medical management, security, and ability to participate in programs.
- d) For a youth being temporarily transferred to other facilities, summaries or copies of the youth's medical history record shall be forwarded to the receiving facility prior to or upon arrival. For permanent transfers, the active record shall accompany the youth.

Section 801.790 Youth Admission and Case Management

- a) At the time of intake, youth shall be informed of the admission process; given an explanation of the facility and its program; introduced to staff on duty and to other youth in his or her unit; and assigned a staff counselor or social worker.
- b) The facility intake processing of youth shall include at a minimum:
 - 1) A determination that appropriate admission documentation is received.
 - 2) A search of the youth and his or her possessions shall be conducted in accordance with Section 801.560.
 - 3) An inventory documenting the receipt and disposition of personal property.
 - 4) Shower, hair care, and pediculosis management, if necessary.
 - 5) Issuance of clean, laundered clothing, as needed.
 - 6) Issuance of personal hygiene articles.
 - 7) Medical, dental, and mental health record assessment review.
 - 8) Assignment to a residential unit. Housing assignments shall be non-discriminatory. Youth with disabilities shall be housed in a manner that provides for their safety and security and provides integration with the general population.
 - 9) Recording of basic personal data and information to be used for mail and visiting lists.
 - 10) Assistance to youth in notifying their families of their admission and procedures for mail and visiting. Youth shall be allowed to make at least two long-distance telephone calls to family members, attorneys, or other approved individuals during the admission process.
 - 11) Confirmation of a Department youth identification number.
 - 12) Provision of written orientation materials to the youth.
 - 13) Completion of data sheet information as required by Department.
 - 14) Identification of security concerns.
 - 15) Identification of restrictions or special needs.
 - 16) Four black and white Polaroid pictures of the youth's upper torso

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and head: one copy for the master record file; one copy for the medical file; one copy for the control center; and one copy for the Licensing Administrator. Current pictures shall be updated when the youth's appearance changes enough to make a positive identification difficult, but at least every 12 months.

- 17) Three sets of fingerprints: two sets for the master record file and one set for the Licensing Administrator.

Section 801.800 Classification, Program, and Treatment

- a) Assignment of a Counselor or Social Worker
At the time of intake, youth shall be assigned a counselor or social worker who shall plan the youth's personalized, comprehensive treatment program and begin the process of case management.
- b) Completion of a Summary Admission Report
The facility shall complete a summary admission report for all new admissions to the facility that includes at a minimum: security concerns, restrictions, or precautions and escape history; account of the legal aspects of the case; summary of criminal history, if any; social history; medical, dental, and mental health history; vocational interests and experience; educational status; religious background and interests; psychological evaluation; psychological evaluation assessment; staff reports; staff recommendations; recreational preferences; and needs assessments.
- c) Security Supervision Classification
 - 1) Upon admission, youth shall be classified to the most appropriate level of supervision, programming, and treatment. The facility shall establish a written plan regarding security supervision classification.
 - 2) The classification of youth shall include the level of risk presented, the type of program required, and level of supervision for participation in facility programs and any special housing needs. The plan shall specify the criteria and procedures for determining and changing the supervision level of a youth.
- d) Individual Comprehensive Case Plan
 - 1) Within 30 days following admission, a personalized comprehensive treatment program shall be designed with and for each youth that includes measurable criteria of expected behavior and accomplishments, a time schedule for achievement, and a target release date. The program objectives shall be documented and signed by staff and youth. A copy shall be provided to the Licensing Administrator and to the guardian.
 - 2) Program staff and youth shall review changes in the youth's program and document this procedure with staff and youth signatures. Changes to the targeted release date shall be documented.
 - 3) At no time shall the target date for release exceed the youth's mandatory discharge date.

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e) Monthly Program Progress Review

The facility shall review each youth's individual program progress and goals at least every month which shall include assessing the youth's behavioral, academic, vocational, recreational, treatment, and medical needs as well as his or her continuing need for placement in secure care. The review schedule shall be provided in advance to the Licensing Administrator and the Department of Children and Family Services. The outcome of each review shall be documented and copies shall be submitted to the Licensing Administrator and the guardian.

f) Annual Case Review

All youth held in secure care shall have an independent case review annually by a multi-disciplinary panel appointed by the Deputy Director. This review shall be independent of the Licensing Administrator for the purpose of providing an impartial assessment of the youth's need for continued placement in secure care. The panel shall submit written recommendations to the Deputy Director regarding its findings.

Section 801.810 Social and Psychological Service Programs

a) Social Service Program

The facility shall make available the services necessary to meet the needs of the youth. Social service programs may include diagnostic testing and assessment, psychiatric evaluation, pharmacological intervention, and behavior programming; individual, group, and family counseling; drug and alcohol treatment; sex offender and special offender treatment; and violence reduction programming. Youth who have a dual diagnosis shall have interventions appropriate to their needs.

b) Annual Needs Survey

Facility staff shall survey and identify the collective service needs of the youth population at least annually. New program initiatives shall be provided to meet the needs of youth with specific types of problems.

c) Program Coordination and Supervision

1) The social and psychological services program shall be administered and supervised by a licensed mental health professional.

2) Social and psychological personnel who provide counseling and social services shall be available at a ratio of at least one full-time employee to every 20 youth or an equivalent.

d) Counseling

1) Staff members shall be available to counsel youth at their request and on an emergency basis.

2) Youth shall have access to psychiatric services in accordance with their needs.

3) Social, psychological, and psychiatric personnel shall share relevant information and coordinate their efforts with

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appropriate staff.

Section 801.820 Education

a) The facility shall establish a written plan governing the facility's 12-month academic, vocational education, and work training programs for secure care youth, including program accreditation, staff certification, coordination with other facility programs and services, and planning for continuing care and release to a less restrictive educational setting.

b) There shall be a comprehensive individual program for each youth based on his or her need which may include, but is not limited to: developmental education; remedial education; special education; multi-cultural education; bilingual education; and when the youth's profile indicates, an adaptive physical education and tutorial service.

1) The facility program shall ensure that:

A) Each youth is evaluated, staffed, and placed in an appropriate grade and program with an individualized educational plan; and

B) There is periodic individual evaluation of each youth's progress and needs. The facility shall ensure that each youth has available to him or her the necessary school supplies, text books, materials, and equipment to support the learning tasks.

2) Each youth may participate in a program of cooperative work training and life skills development. Such programs may include household tasks and facility cleaning and maintenance appropriate to the youth's age and skill level. No youth shall be permitted to do tasks that are hazardous or dangerous or that risk harm to the youth. All work should be under continuous staff supervision.

c) These programs shall comply with applicable federal and State laws and with the requirements and standards established by the Illinois State Board of Education. The operation of the school shall be by a public or private Board of Education which conducts a system of schools at the elementary or secondary grade levels or both. Youth shall receive academic and vocational credits for educational achievement that can be transferred to schools in the community and diplomas shall be awarded by the school system having jurisdiction.

d) Teachers employed in the facility's educational programs that offer academic credit shall meet the requirements of the Illinois State Board of Education.

e) Vocational supervisors, tutorial instructors, school psychologists, social workers, school nurses, aides, librarians, and administrators shall have licensure or State certification appropriate to the grade level served, the educational status of the youth, and the curriculum.

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Section 801.830 Library Services

- a) The facility shall have a qualified person who coordinates and supervises library services.
- b) Library services shall be available to all youth.

Section 801.840 Recreation and Leisure Time Activities

- a) The facility shall have a qualified staff member who directs and supervises all recreation programs.
- b) Youth shall be granted access to recreational opportunities and equipment that are appropriate for their age, maturity, and physical development, including outdoor exercise when the climate, medical, and safety and security concerns permit.
- c) A variety of fixed and movable equipment shall be provided for indoor and outdoor recreation suitable for the security requirements of the youth being served. Care shall be taken to limit access to potential weapons. Staff shall supervise all activities. Contact sports shall not be permitted. Medical screening shall govern youth participation.
- d) Recreation and leisure-time shall be provided for at least one hour per day of large muscle activity and one hour of structured leisure-time activities, except for limitations imposed by the Chief Administrative Officer on a limited basis. Each youth shall be offered at least one hour of access to outdoor exercise areas daily, weather permitting. Limitations shall be based on medical, administrative, or safety or security concerns and require the approval of the Licensing Administrator.

Section 801.850 Religious Programs

- a) Qualified staff or a volunteer shall coordinate the facility's religious programs. Religious affiliation documented in the youth's master record file shall be determined by the parental authority as recognized in Section 1-3(13) of the Juvenile Court Act (705 ILCS 405/1-3(13)).
- b) Youth shall have reasonable opportunities to pursue their religious beliefs and practices, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources. Space shall be available for the observance of religious activities. Schedules for religious services shall be made available to all youth.

Section 801.860 Mail

- a) The facility shall develop a written plan governing youth correspondence which shall be made available to all staff and youth. The plan shall be reviewed annually and updated as needed.
- b) The written plan shall grant youth the right to communicate or correspond with persons or organizations subject only to the

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limitations necessary to maintain facility order and security or to comply with victim access restrictions.

- c) The volume of mail received shall not be restricted.
- d) All outgoing mail shall be clearly marked with the youth's name.
- e) Unlimited mail may be sent when the youth bears the mailing cost.
- f) Youth may send three first class letters weekly in the continental United States at the facility's expense.

- g) Youth shall be permitted to send sealed letters marked as privileged mail to: Judges or magistrates of any court or the Court of Claims; organizations providing direct legal representation; registered attorneys; the Illinois Attorney General; officials of the Illinois Department of Corrections; administrators of the grievance system; the Governor of Illinois; federal, state, or local Illinois legislators; clerks of courts; chief executive officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and the Sheriff's Offices and Police Departments in the State of Illinois; and the John Howard Association. Incoming privileged mail includes the mail as listed above with the exception of mail from clerks of courts.
- h) Youths' non-privileged mail, both incoming and outgoing, may be opened, read, and inspected for contraband. Outgoing privileged mail which is clearly marked as such and addressed to a privileged party may not be opened for inspection. Incoming privileged mail shall not be read but may be opened in the presence of the youth to whom it is addressed to inspect for contraband, to certify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed. Mail shall be censored or rejected when it poses a threat to the facility security or order. The youth shall be notified when incoming or outgoing letters are withheld in full or in part.

- i) All funds received through the mail shall be held for the youth in accordance with the procedures approved by the Licensing Administrator. All cashier's checks, money orders, cash, and checks or other funds received through the mail shall be deposited in the youth's account.
- j) Incoming and outgoing letters shall be delivered within 24 hours after receipt and packages shall be delivered within 48 hours after receipt, excluding weekends and holidays.
- k) First-class letters and packages shall be forwarded after youth are transferred or released.
- l) The facility plan regarding access to publications shall include: the mechanisms whereby publications may be received; the publication screening and review procedures; the criteria for the prohibition of publications; and the requirement that the youth be provided with a written explanation of why the publication was denied. The facility shall prohibit any publications which the Chief Administrative Officer determines to be obscene according to the definition of obscenity

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established by the United States Supreme Court or to be a clear and present danger to the physical safety and security of persons and property within the facility.

Section 801.870 Telephones

Youth shall be offered the opportunity to place a weekly five-minute telephone call to parents or caregivers. Policies for receiving and monitoring of telephone calls shall be included in a written plan.

Section 801.880 Visits

- a) The facility shall establish a written plan granting youth visiting privileges, subject to the limitations necessary to maintain facility order and security. The plan shall identify policies related to peer visits.
- b) Visitors shall be identified on visiting lists approved by the Chief Administrative Officer. The Department of Children and Family Services shall provide, in writing, any names of persons restricted from visiting youth by their policy.
- c) The facility's visiting area shall provide for informal communication, including the opportunity for physical contact.
- d) Searches of visitors and youth, restrictions on visitors bringing in personal items, and circumstances under which the visit shall be supervised shall be included in the plan.
- e) All visiting regulations shall be made available to all persons on the youth's visitors list.
- f) Restrictions applying to visits shall be posted in the visiting area and defined.
- g) The plan shall include procedures governing special visits such as attorney visits, official visits by court officers, law enforcement officials, or Department of Children and Family Services caseworkers and those of other social agencies.
- h) Visitors shall register upon entry into the facility. Proof of identification and a record of each visit, including the visitor's name, date and time of visit, address, and relationship, shall be kept for each youth and be returned to the master record file at time of discharge.
- i) The denial of visitation or revocation of visiting privileges previously granted must be based on documented security concerns or rule violations related to conduct of youth or visitors during visits or which involve issues related to safeguarding the youth from visitor abuse or other youth misconduct.

Section 810.890 Release

- a) Pre-release Planning

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- 1) There shall be a written plan that provides for a structured community re-entry for youth based on the youths' overall progress and gains in personal development, maturity, stability, and recognized placement needs. The plan shall include provisions for:
 - A) Goals and objectives to be met while in secure care;
 - B) Temporary releases in order to allow youth the opportunity to be gradually exposed to less restrictive settings; and
 - C) The Transition Plan for Continuing Care for final release.

- 2) Pre-release planning for each youth's transition shall be undertaken by the facility in collaboration with the Department of Children and Family Services and the Licensing Administrator. The Department of Children and Family Services is responsible for coordinating community placements.

b) Temporary Releases

- 1) Temporary release provisions shall include criteria for recommending temporary release into the community, including escorted and unescorted day leaves.
- 2) Youth may be allowed to participate in a temporary release program for reasons including, but not limited to, restitution, school release, and work training.
- 3) Temporary releases shall be subject to prior approval of the Department. Upon approval and prior to release, the facility shall notify the Department of Children and Family Services.
- 4) Youth shall be advised in writing of the conditions of temporary release and the behavior that is unacceptable during temporary release, including sanctions that may be applied to youth who violate the conditions or exhibit unacceptable behavior.

c) Transition Plan for Continuing Care

- 1) The written plan for final releases shall include, but not be limited to:
 - A) Criteria for release;
 - B) Time for release;
 - C) Community placement in a residential center, foster home, group home, or family home or semi-independent or independent living in the community.
- 2) Each youth shall be scheduled for release to a less restrictive setting as soon as his or her plan objectives are achieved or the mandatory discharge date is reached.
- 3) Release planning for youth shall be initiated at least 90 days prior to the mandatory discharge date.
- 4) The date for submission of the discharge notice by the Department to the court and State's Attorney shall be included in the Transition Plan for Continuing Care.
- 5) Each youth's Transition Plan shall be subject to approval by the Licensing Administrator.
- 6) Changes to the Transition Plan may be made at any time due to altered circumstances and the plan may be modified or withdrawn

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d) Final Release upon approval of the Licensing Administrator.

- 1) When approved by the Licensing Administrator, each youth's Transition Plan for Continuing Care shall be processed according to the plan's scheduled requirements.
- 2) Youth may be released earlier than initially anticipated in conformity with the facility's previously established and written criteria and with the concurrence of the Department.
- 3) Youth shall be given the reasons for any deferral of release in writing and the decision shall be recorded in the case record.
- 4) The Department shall not accept the presence of a detainee as an automatic bar to release. The Licensing Administrator shall determine the basis of any such detainee and release the youth to a detainee, when appropriate.
- 5) Release to community placement shall be with the express written authorization of the Deputy Director.

e) Discharge Notice

- 1) Thirty days prior to implementation of the Transition Plan for Continuing Care, the Licensing Administrator shall provide notice to the Juvenile Court and the State's Attorney of the Department's intent to discharge a secure care youth. The notice shall be accompanied by an approved copy of the Transition Plan.
- 2) The Department's custodianship shall automatically terminate 30 days after the court and State's Attorney are provided notice of intent to discharge custodianship.

f) Records of Discharged Youth

The facility, upon notice of discharge and following the release of the youth from secure care, shall return all master record files to the Department at the address provided by the Licensing Administrator. Master record files include medical and educational records. The facility shall retain all operational records for a period of at least five years.

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- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3)

Section Number:	Adopted Action:
916.30	Amended
916.40	Amended
916.50	Amended
916.Exhibit A	Amended
916.Exhibit B	Amended
916.Exhibit C Illustration A	Amended
916.Exhibit C Illustration B	Amended
916.Exhibit C Illustration C	Amended
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 5/143] and Section 10 of the Vision Service Plan Act [215 ILCS 160/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 24 of the Pharmaceutical Service Plan Act [215 ILCS 135/24] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Amendments: May 1, 1996.
- 6) Does this Amendment contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: May 1, 1996.
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 15881
- 10) Has JCAR issued a Statement of Objections to this Amendment? No
- 11) Difference(s) between proposal and final version:
 - a) In the main authority note, on the eighth line change "[215 ILCS 110/25]" to "[215 ILCS 110/10]".
 - b) Section 916.30 - Matrix/Insert Page - On the second to the last line, add "and required endorsement riders (Type RER)" following "(Type

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OER)".

- c) Section 916.30 - Optional Endorsement/Rider - On the third line, change "applicant/insured" to "applicant's/insured's".
- d) Section 916.30 - Schedule Page(s) - On the second line, change "the terms or benefits" to "the maximums, deductibles, coinsurance or copays" in lieu thereof. Beginning with the second sentence, delete all text and add "When a multiple of different schedule pages are submitted for use with a single policy or certificate, each schedule page shall be identified with a unique form number."
- e) Section 916.40(b)(3) in the second sentence add "as found in Exhibit B. Also" following "category".
- f) Section 916.40(e) - On the first line delete "Individual" change "accident" to "Accident" and add "written on an individual basis, Medicare supplement policy form filings and long-term care policy form filings" following "filings".
- g) Section 916.40(f) - On the first line, change "an" to "a" and add "separate" thereafter.
- h) Section 916.40(h)(4), delete all text and add "Each May a listing of approved policy forms on file with the State will be provided to each company. The purpose of this listing is to require the company to determine which policy forms should be withdrawn and to notify the Department each year of the policy forms in use by the company. The company will be responsible for returning the list by July 1st of each year withdrawing the policy forms which are no longer being issued or marketed. Instructions will accompany this listing." in lieu thereof.
- i) Section 916.40(h)(5) - On the first line delete "individual" and change "accident" to "Accident". Delete "and" following "health" and add "policy forms written on an individual basis," thereafter. On the second line, add "and long-term care policy forms" following "supplement".
- j) Section 916.50 - On the ninth line change "said" to "the".
- k) Section 916.Exhibit A, delete "c)" and reformat. Also in the second full paragraph, on the tenth line delete "is" and change "(are)" to "(are)". And finally, delete old Ill. Rev. Stat. citation.
- l) Section 916.Exhibit B - Life - Attachment Type - Add "with" following "Determine" and delete "with" at the end of the sentence.
- m) Section 916.Exhibit B - Annuities - Attachment Type - Add "with"

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- following "Determine" and delete "with" at the end of the sentence.
- n) Section 916.Exhibit B - Annuities - Code - Change "your" to "the" on the first and last line.
- o) Section 916.Exhibit B - Credit - Category, on the third line add "a" following "is".
- p) Section 916.Exhibit B - Credit - Attachment Type - Add "with" following "Determine" and delete "with" at the end of the sentence.
- q) Section 916.Exhibit B - Accident and Health - Attachment Type - Add "with" following "Determine" and delete "with" at the end of the sentence.
- r) Section 916.Exhibit B - Accident and Health - Subcode - SEP - Change "[215 ILCS 95/1]" to "[215 ILCS 95/1 ET SEQ.]"
- s) Section 916.Exhibit B - Service Organizations - Attachment Type - Add "with" following "Determine" and delete "with" at the end of the sentence.
- t) Section 916.Exhibit B - Service Organizations - Subcode - SEP - Change "[215 ILCS 95/1]" to "[215 ILCS 95/1 ET SEQ.]"
- u) Section 916.Exhibit C add "The information provided on the general transmittal must be typewritten." as an introductory paragraph to this Exhibit.
- v) Section 916.Exhibit C - Numbers (1), (2) and (3), add a period.
- w) Section 916.Exhibit C - Number (7) add "where available."
- x) Section 916.Exhibit C - Number (11)(A) - "Note:" - In the first sentence, add "or assumption certificate" following "merger".
- y) Section 916.Exhibit C - Illustration A, add "The information provided on the replacement/withdrawal transmittal must be typewritten." as an introductory paragraph to this Exhibit.
- z) Section 916.Exhibit C - Illustration A - Numbers (1), (2) and (3), add a period.
- aa) Section 916.Exhibit C - Illustration A - Number (7), add "where available."
- bb) Section 916.Exhibit C - Illustration A - Number(9)(B) - "Note:" - This text has been mixed to upper and lower case letters instead of

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all capital letters.

- cc) 916.Exhibit C - Illustration B, add "The information provided on the assumption transmittal must be typewritten." as an introductory paragraph to this Exhibit.
- dd) 916.Exhibit C - Illustration B - Numbers (1), (2) and (3), add a period.
- ee) 916.Exhibit C - Illustration B - Number (7), add "where available."
- ff) 916.Exhibit C - Illustration B - Numbers (8) and (9), add a period.
- gg) 916.Exhibit C - Illustration C, add "The information provided on the informational transmittal must be typewritten." as an introductory paragraph to this Exhibit.
- hh) 916.Exhibit C - Illustration C - Numbers (1), (2) and (3), add a period.
- ii) 916.Exhibit C - Illustration C - Number (6), add "where available."

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The Department is amending this Part to further clarify our regulatory requirements. We are doing housekeeping changes, and we are adding provisions which will allow companies to electronically file policy forms.

16) Information and questions regarding this adopted Amendment shall be directed to:

Nancy Simpson
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1771

The full text of the Adopted Amendment begins on the next page.

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TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 916

REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF LIFE INSURANCE, ANNUITY AND ACCIDENT AND HEALTH INSURANCE, VOLUNTARY HEALTH SERVICES PLANS, VISION SERVICE PLANS, DENTAL SERVICE PLANS, PHARMACEUTICAL SERVICE PLANS, LIMITED HEALTH SERVICE ORGANIZATIONS AND HEALTH MAINTENANCE ORGANIZATIONS POLICY FORMS

Section	Authority
916.10	Purpose and Scope
916.20	Definitions
916.30	Filing Procedures
916.40	Certification of Compliance and Procedure for Order of Withdrawal
916.50	Consent-to-Future-Discontinuance-of-Use-of-Approved-Policy-Form
916.60	Effective Date (Repealed)
EXHIBIT A	Certificate of Compliance and Consent-to-Future-Discontinuance of-Use-of-Approved-Policy-Form
EXHIBIT B	Coding Guide
EXHIBIT C	General Transmittal Instructions and Transmittal Sheet
ILLUSTRATION A	Replacement/Withdrawal Transmittal Instructions and Transmittal Sheet
ILLUSTRATION B	Certificate of Assumption Transmittal Instructions and Transmittal Sheet
ILLUSTRATION C	Informational Filing Transmittal Instructions and Transmittal Sheet

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [213 ILCS 165/10] and Section 10 of the Vision Service Plan Act [215 ILCS 160/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 24 of the Pharmaceutical Service Plan Act [215 ILCS 135/24] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 30/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6 Ill. Reg. 14844; amended at 9 Ill. Reg. 18139, effective February 13, 1986; amended at 17 Ill. Reg. 15853, effective September 14, 1993; amended at 20 Ill. Reg. 6848, effective MAY 01 1996.

Section 916.30 Definitions

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the Department for more information. Filing acknowledgement postcards from the Department will include the electronic mail address of the analyst first assigned to review this filing.

Filing Identification Number means the number assigned by the company, not to exceed 15 characters, and is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and same category.

General Purpose Form means a policy form may be used with either a group or individual policy form.

General Transmittal Sheet means a coding blank which shall must be attached to the letter of submittal. Instructions for completing the General Transmittal Sheet follow as Exhibit C. All policy forms submitted on a general transmittal sheet shall be for the same line of business and the same category.

Informational Type means a filing of Policy-~~(NP)~~-means a policy, rate or other informational material which does not require approval by the Director of-insure, but is filed for informational purposes only. Such filing policys would include, but not be limited to information policy (INP), other state approvals (OSA), calculations (CAL) and variable material (VAM). Anything listed as an Informational Type on Exhibit B of this Part shall be submitted on an informational transmittal sheet. out-of-state-multiple-employer-trusts-(MET)-or-excess-loss-coverage-

Informational Transmittal Sheet means a coding blank to be completed when submitting an informational filing. See Exhibit C, Illustration C. Instructions for completing the Informational Transmittal Sheet are also found in Exhibit C, Illustration C. If the filing and form numbers of the policies to which this information is related are not listed, the informational filing will not be processed.

Matrix/Insert Page (MIP) means the type of policy forms submitted for review with consideration given to each provision or individual page. Each matrix insert page shall be identified with its own policy number located in the lower left hand corner of the document. Each matrix insert page shall be associated to a policy or certificate. Optional endorsement riders (Type ORR) and required endorsement riders (Type RER) shall not be made up of matrix insert pages.

Optional Endorsement/Rider (OER) means an endorsement which is not required by regulation or statute, and at the applicant's/insured's or insurer's option is ~~may be~~ attached to various policies. Optional endorsement riders (Type OER) shall not be made up of matrix insert

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Category means the general classification of the policy form to be issued or delivered.

Certificate of Assumption Transmittal Sheet means a coding blank to be completed when one company assumes a block of business from another company. Instructions for completing the Certificate of Assumption Transmittal Instructions and Transmittal Sheet are found in Exhibit C, Illustration B.

Certificate of Compliance can be found in Exhibit A of this Part.

Code means a general description of the policy form to be issued or delivered. (Exhibit B, Coding Guide).

Coding Guide represents by abbreviation types of coverage. (Exhibit B, Coding Guide).

Combination Form Forms means a policy form which will be used for both Life and Accident and Health.

Company means any entity which is defined as a "company" in Section 2 of the Illinois Insurance Code (~~§§ 111-Rev.-Stat.-1991--ch--73--par-614~~) [215 ILCS 5/2] in Section 2 of the Voluntary Health Services Plans Act (~~§§ 111-Rev.-Stat.-1991--ch--32--par--596~~) [215 ILCS 165/2 (~~1992-Supp~~)] in Section 2 of the Vision Service Plan Act (~~§§ 111-Rev.-Stat.-1991--ch--32--par--652~~) [215 ILCS 160/2 (~~1992-Supp~~)] in Section 3 of the Dental Service Plan Act (~~§§ 111-Rev.-Stat.-1991--ch--32--par--698~~) [215 ILCS 110/3 (~~1992-Supp~~)] in Section 3 of the Pharmaceutical Service Plan Act (~~§§ 111-Rev.-Stat.-1991--ch--32--par--691~~) [215 ILCS 135/3 (~~1992-Supp~~)] in Section 1002 of the Limited Health Service Organization Act (~~§§ 111-Rev.-Stat.-1991--ch--73--par-550~~) [215 ILCS 130/1002 (~~1992-Supp~~)] and in Section 1-2 of the Health Maintenance Organization Act (~~§§ 111-Rev.-Stat.-1991--ch--73--par--140~~) [215 ILCS 125/1-2 (~~1992-Supp~~)] and which issues or delivers in the State of Illinois policies, group contracts or certificates of life, annuity and accident and health insurance, which fall within the definition of Classes 1(a), 1(b) and 2(a) of Section 4 of said Illinois Insurance Code (~~§§ 111-Rev.-Stat.-1991--ch--73--par-614~~) [215 ILCS 5/4].

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Electronic Mail Identification Number. The Electronic mail address with that Department policy analysts may use to communicate electronically with the named contact person. Filers who use IBM mail shall include their IBM mail identification number. Internet users shall contact

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pages. For purposes of completing the general transmittal sheet an OR is a policy form and does not require an association record.

Policy Form means any form to be issued or delivered in the State of Illinois constituting in form and content a policy, group contract or certificate of insurance or evidence of coverage, endorsement, rider, by-law or other matter incorporated by reference, or application blank or discretionary group forms requiring the Director's approval pursuant to Section 230.2 and 367.3 of the Illinois Insurance Code [215 ILCS 5/230.2 and 5/367.3]. It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under a life insurance policy. A Policy Form does not include any rider or endorsement made a part of a policy subsequent to the date the policy is issued and unilaterally reduces benefits; such riders or endorsements shall be reviewed and approved by the Director prior to their issuance or delivery pursuant to Section 143 of the Illinois Insurance Code [215 ILCS 5/143]. A transmittal sheet is required to be submitted with all policy forms, including subsequently issued riders or endorsements.

Replacement/Withdrawal Transmittal Sheet means a coding blank to be completed when a pending policy form is withdrawn or when an approved policy form is being replaced, or when an approved policy form is no longer being issued. Instructions for completing the Replacement/Withdrawal Transmittal Sheet are found in Exhibit C, Illustration A.

Required Endorsement/Rider (RER) means an endorsement that incorporates a mandatory contract provision which is required by regulation or statute. Such RER shall and must be attached to a policy form either as a condition of approval or to incorporate new contract provisions. Required endorsement/rider (Type RER) shall not be made up of matrix insert pages.

Required Informational Material (RIM) includes, but is not limited to, those identified in 50 Ill. Adm. Code 1407.50 and 2012.60(f)(1) through (f)(3).

Schedule Page(s) (SCP) means a policy form which changes the maximums, deductibles, coinsurance or copays of the policy or certificate to which it is attached. When a multiple of different schedule pages is submitted for use with a single policy or certificate, each schedule page shall be identified with a unique form number. A filing fee is required for each schedule page.

Subcode means a detailed description of the policy form, found in

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Exhibit B.

Type means the characteristic of the policy form found in Exhibit B.

(Source: Amended at 20 Ill. Reg. 6848, effective MAY 01 1996)

Section 916.40 Filing Procedures Procedure

- a) Effective July 1, 1996 and each July 1 thereafter, each company doing business in the State of Illinois shall submit a "Certificate of Compliance" for all previously approved policy forms on file with the Department and for all policy form filings to be made during the next fiscal year. Every May a listing of approved policy forms on file with the State of Illinois will be provided to each company. Each company is responsible for withdrawing the policy forms included in this listing which the company is no longer issuing or marketing. However, policy forms which require related informational rate filings to be made should not be withdrawn. Each company will be responsible for certifying that the remaining policy forms either in use or being issued are in compliance by submitting the Certificate of Compliance found in Part 916. Exhibit A (50 Ill. Adm. Code 916).
- ba) Each company shall file with and secure the approval of the Director of Insurance for each policy form before it is issued or delivered. b) Each policy form filing shall must include:
 - 1) A letter of submission giving a detailed description of:
 - A) the purpose for the policy form and the manner in which it will be marketed;
 - B) a cross reference filing number for identical submissions made by affiliated companies;
 - 2) The policy form(s) in duplicate;
 - 3) A typewritten A-Certificate-of-Compliance-and-Consent-for-Future Discontinuance-of-Use-as-set-forth-in-Exhibit-A-to-this-Party along-with-the General Transmittal Sheet, as set forth in Exhibit C, in duplicate identifying the company filing number and listing the policy form numbers. All forms in such filings shall be for the same line of business and the same category as found in Exhibit B. Also, identify the 7--identifying--each--by--the category type, code, and subcode as set forth in the Exhibit B of this Part. The transmittal sheets required for policy form filings shall be substantially similar to those set forth in Exhibit C of this Part. Instructions for completing the General Transmittal Sheet and applying the category, type, code and subcode for each policy form are included in Exhibit C. A combination form combination--forms shall be submitted as two separate filings. Each shall be identified by its their own filing identification number and--category.
 - 4) The text of each policy form shall must be made out in "John Doe"

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fashion, bracketing as it is to be delivered to a policyholder or certificate owner except for any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved, and shall not exceed 30 characters.

- 5) On the Certificate required by Section 16-507, the name, address and telephone number of the individual most familiar with the contents of the form filing must be provided. The Department will contact that named individual in the event any questions or comments are necessary as a result of the filing.

- 56) Resubmission of pending policy forms within a filing shall be submitted under their original "Filing Identification Number".

- c) Riders or endorsements which unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and formally approved by the Director prior to their issuance or delivery and shall must be submitted on a separate typewritten general transmittal sheet. A Certificate of Compliance is not applicable to these formally approved policy forms.

- d) Substitution of any new policy form for a form previously approved, where such new policy form bears the same form number or identification as the previously approved form, shall must be accompanied by a statement that the filing is a substitution and the number or identification of the previously approved form and the date of the previous approval together with advice that the previously approved policy form was never issued. Substitution filings shall must be assigned their own filing identification number, and the substituted filing shall must be withdrawn by completing a typewritten replacement/withdrawal transmittal sheet.

- e) A policy form submitted for filing under this Part may be issued or delivered only after the policy form has been approved by the Director of Insurance.

- f) Each Certificate of Compliance and Consent to Future Discontinuance of Use must be in a form substantially similar to that set forth in Exhibit A of this Part.

- eg) Accident Individual accident and health policy form filings written on an individual basis, Medicare supplement policy form filings and long-term care policy form filings shall be accompanied by an informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form as a separate informational filing. Subsequent rates shall be submitted as information on a typewritten informational transmittal sheet an informational type filing pursuant to subsection (j) ¶¶ below.

- f) Credit policy form filings shall be accompanied by a separate informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form as a separate informational filing. Subsequent credit rates shall be

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submitted on a typewritten informational transmittal sheet pursuant to subsection (j) below.

- gh) An invoice will be mailed to the company by the Department for the required filing fee on a quarterly basis.

- hi) Each Replacement/Withdrawal/Withdrawal of a policy form shall include:

- 1) A letter of explanation.
- 2) A typewritten Replacement/Withdrawal Transmittal Sheet, Exhibit C, Illustration A, in duplicate listing the filing identification number Filing Identification Number and policy Policy form number of the forms to be withdrawn.

- 3) Each time a company's policy form will no longer be issued, it is the responsibility of the company to notify the Director of such action, on the Replacement/Withdrawal Transmittal Sheet, Exhibit C, Illustration A. Instructions for completing the Replacement/Withdrawal Transmittal Sheet are found in Exhibit C, Illustration A.

- 4) Each May a listing of approved policy forms on file with the State will be provided to each company. The purpose of this listing is to require the company to determine which policy forms should be withdrawn and to notify the Department each year of the policy forms in use by the company. The company will be responsible for returning the list by July 1st of each year withdrawing the policy forms which are no longer being issued or marketed. Instructions will accompany this listing.

- 5) Accident and health policy forms written on an individual basis, Medicare supplement and long-term care policy forms which require premium rate filings may not be withdrawn.

- ij) Each Certificate of Assumption submitted shall include:

- 1) A letter of submission;
- 2) The assumption certificate in duplicate;
- 3) A typewritten A Certificate of Compliance and Consent for Future Discontinuance of Use as set forth in Exhibit A of this Part along with the Certificate of Assumption Transmittal Sheet in duplicate, Exhibit C, Illustration B. An assumption certificate will not be approved until the assumed policy forms are listed on the required transmittal sheet. In instances where a company merges with another, or where a company assumes a block of business from another, the filing identification number Filing Identification Number is prefixed with the FEIN of the ceded company followed by a dash. Instructions for completing the Certificate of Assumption Transmittal Sheet are found in Exhibit C, Illustration B.

- ik) Each Informational Filing shall include:

- 1) A letter of submission in duplicate;
- 2) The informational material to be filed in duplicate;
- 3) A typewritten An Informational Transmittal Sheet in duplicate. Instructions for completing the Informational Transmittal Sheet

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are found in Exhibit C, Illustration C.

(Source: Amended at 20 Ill. Reg. 6848, effective
MAY 01 1996)

**Section 916.50 Certification of Compliance and Consent---to---Future
Discontinuance-of-Use-of-Approved-Policy-Form Procedure for Order of Withdrawal**

Each As--a--condition--to--the--utilization-of-the-foregoing-procedure-for-the
filing-and-approval-of-policy-forms--each company shall, as of July 1, 1996 and
each July 1 thereafter, submit a "Certification of Compliance and Consent--to
Future--Discontinuance--of--Use--of--Approved--Policy-Form," for all previously
approved policy forms on file with the Department and for all filings to be
made during the next fiscal year. The certification shall be signed by an
officer of the company, identified by title, who has the authority to obligate
the said company by such signature. In this manner, the company shall agree
and consent to the discontinuance by the company of future use of any such
approved policy form, + 30+ days from the date of mailing an order of
withdrawal issued by the Director pursuant to Section 143(1) of the Illinois
Insurance Code. The order shall set+from-the-Director-of-Insurance-setting
forth the reasons why such previously approved policy form is violative of or
contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code.
Each company shall have the right to request a hearing within that 30 day
period. Such request shall be made in writing to the Director. The +provided
however--that-if-the-company-within-the-90-day-period--after--receipt--of--such
certified--mail--notice--notifies--the-Director-of-Insurance-of-its-desire-and
request--for-a-hearing--order of withdrawal shall be stayed and the company
shall be given afforded--an--early--opportunity--for a hearing under such
provisions of Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the
Illinois Insurance Code (Ill--Rev--Stat--1993--ch--73--par--755+117--1013+e7
1013--17--1014+27--1037--1096+ [215 ILCS 5/143(1), 5/401(c), 5/401.1, 5/402(2),
5/426 and 5/429) and 50 Ill. Adm. Code 2402 as may be applicable to determine:
a) whether or not such policy form shall be disapproved, and
b) whether what further orders of the Director of Insurance may be
appropriate under the particular circumstances.

(Source: Amended at 20 Ill. Reg. 6848, effective
MAY 01 1996)

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**Section 916.EXHIBIT A Certificate of Compliance and--Consent--to--Future
Discontinuance-of-Use-of-Approved-Policy-Form**

+Each company shall as of July 1, 1996 and each July 1 thereafter submit a
policy--form--filing--and--Part--916--shall--be--accompanied--by--the--following
"Certificate of Compliance--and--Consent--to--Future--Discontinuance--of--Use" in
substantially this format. form+:

**Certification of Compliance and--Consent--to--Future
Discontinuance-of-Use-of-Approved-Policy-Form**

(Company name) by (name), its (title),
does hereby certify that the accompanying policy form(s) as identified by
either the Departmental listing attached hereto, or those filed by the Company
during this fiscal year, does + do+ comply:

ta) with all provisions of the Illinois Insurance Code applicable to the
policy forms form filing+submitted--herewith; and
tb) with 50 Ill. Adm. Code; and does further certify to the best of our
knowledge and belief that:

- 1) the form(s) does + do+ not contain any inconsistent, ambiguous
or misleading clauses;
- 2) the form(s) does+ do+ not contain specifications or conditions
that unreasonably or deceptively affect the risk purported to be
assumed in the general coverage of the policy form(s);
- 3) the only variation from the usual provisions of the policy
form(s) of--the--kind--submitted--herewith are clearly marked or
otherwise indicated on the respective pages ----- of--the
attached form(s) or in an addendum attached hereto;
- 4) the policy form language as submitted or approved shall be
attached form(s) is--(are) in--final--printed--format--and--is--(are)
exactly as they have been or will be offered for issuance or
delivery in the State of Illinois as approved after--approval by
the Director of Insurance, except for hypothetical data and other
appropriate variable material; and
- 5) the policy form(s) the attached form(s) does+ do+ not contain
any provision or clause currently being disapproved by the
Director of Insurance.

In utilizing the procedure for policy form filing and approval set forth in
Part 916 (Company Name) hereby expressly agrees and consents to a
review, by the Director, of--insurance to be made at any time, and further
hereby expressly agrees and consents to the discontinuance by the company of
future use of such approved policy form(s), thirty+ 30+ days from the date of
mailing an order of withdrawal issued by from the Director pursuant to Section
143(1) of the Illinois Insurance Code. The order shall set of--insurance

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setting forth the reasons why such previously approved policy form(s) is-are violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. Such request shall be made in writing to the Director. The ~~provided, however, that if the company with the thirty (30) day period, notifies the Director of insurance of its desire and request for a hearing, the order of withdrawal shall be stayed and the company shall be afforded an early opportunity for given a hearing under the applicable provisions of Section 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402 as may be applicable to determine:~~

- (1a) whether ~~or not~~ such policy form shall be disapproved, and
 (2b) whether ~~what~~ further orders of the Director ~~of insurance~~ may be appropriate ~~under the particular circumstances.~~

(Company Name)

By: _____
 Its _____ (Officer Title)

Individual responsible for this filing:

Name: _____ Title: _____

Address: _____

Phone Number: _____ Date: _____

(Source: Amended at 20 Ill. Reg. 6848, effective
MAY 01 1996)

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Section 916. EXHIBIT B Coding Guide

LIFE

Category

Determine if the your policy is a general, individual or group life policy form. With this information, determine the category.

GPL GENERAL PURPOSE LIFE
 INB ~~INDIVIDUAL-BIFE~~
 GRL GROUP LIFE
 INL INDIVIDUAL LIFE

Type

The type of policy form determines how the policy form is to be used. Choose the type that best fits the your policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

APP APPLICATION
 PEB POLICY
 CER CERTIFICATE
 PEC POLICY/CERTIFICATE
 COP COMBINATION POLICY
 CPC COMBINATION POLICY CERTIFICATE
 OER OPTIONAL ENDORSEMENT/RIDER
 POC POLICY/CERTIFICATE
 POL POLICY

Attachment Type

Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated with.

RER REQUIRED ENDORSEMENT/RIDER
 MIP MATRIX/INSERT-PAGE
 SEP SECHEDULE-PAGE
 ASC ASSUMPTION CERTIFICATE
 MIP MATRIX/INSERT PAGE
 RER REQUIRED ENDORSEMENT RIDER
 SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

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BIG DISCRETIONARY-GROUP
MBT M-B-T-
TMB TRUST/M-B-W-A-
ASS ASSOCIATION
PRA FRANCHISE

ADB ACCELERATED DEATH BENEFIT
ASS ASSOCIATION
DEB DECREASING BENEFIT
DEP DECREASING PREMIUM
DIG DISCRETIONARY GROUP
DUB DUAL BENEFIT
FIP FIXED PREMIUM
FLP FLEXIBLE PREMIUM
FRA FRANCHISE
IDP INDETERMINATE PREMIUM
INB INCREASING BENEFIT
INP INCREASING PREMIUM
LEB LEVEL BENEFIT
MET M.E.T.
MOP MODIFIED PREMIUM
NOR NONRENEWABLE
OPB OPTIONAL BENEFIT
PFB PREARRANGED FUNERAL BENEFIT
REN RENEWABLE
SCB SINGLE CASE BASIS
SIP SINGLE PREMIUM
TME TRUST/M.E.W.A.

ANNUITIES

Category

GRA GROUP ANNUITY
INA INDIVIDUAL ANNUITY
GPN GENERAL PURPOSE ANNUITY

Type

Determine if the year policy form is an individual or group policy form. With this information, determine the category.

The type of policy form determines how the policy form is to be used. Choose the type that best fits the year policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

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APP APPLICATION
PGB POLICY
CER CERTIFICATE
POE POLICY/CERTIFICATE
OER OPTIONAL ENDORSEMENT/RIDER
POC POLICY/CERTIFICATE
POL POLICY

Attachment Type

Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated with.

RBR REQUIRED-BENDORSEMENT/RIDER
MIP MATRIX/INSERT-PAGE
SEP SEPARATE-PAGE
ASC ASSUMPTION CERTIFICATE
MIP MATRIX/INSERT PAGE
RER REQUIRED ENDORSEMENT RIDER
SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you-are-submitting? If the information-is-being-submitted-under-the-same-filing-number-as-the-policy-form, a-separate-informational-filing-and-transmittal-sheet-are-not-necessary:

VAA VARIABLE-ACCOUNT-ADVERTISING
VAM VARIABLE-MATERIALS
OSA OTHER-STATE-APPROVAL
INP INFORMATIONAL-POLICY
DSF DOMESTIC STATE FILING
INP INFORMATIONAL POLICY
OSA OTHER STATE APPROVAL
VAA VARIABLE ACCOUNT ADVERTISING

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

Code

Choose the code that best identifies the year policy form filing. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the year policy form.

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FLP FIXED PREMIUM
FLP FLEXIBLE PREMIUM
SIP SINGLE PREMIUM
SUB SUPPLEMENTAL BENEFIT

Subcode

The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form filing. If a subcode does not apply, it is not required.

B#1 EXTERNAL-INTEREST-INDEXED
B#2 B#1-INTEREST-INDEXED
INS INTEREST-SENSITIVE
VAR VARIABLE
B#3 DEFERRED
B#4 IMMEDIATE
DEF DEFERRED
DII DUAL INTEREST INDEXED
EII EXTERNAL INTEREST INDEXED
IMM IMMEDIATE
INS INTEREST SENSITIVE
SCB SINGLE CASE BASIS
VAR VARIABLE

CREDIT

Category

First, determine if the year policy form is an individual or group policy form. Second, determine if the year policy form is a credit accident and health or credit life policy form. With this information, determine the category.

G#5 GROUP-CREDIT-LIFE
GCA GROUP CREDIT ACCIDENT AND HEALTH
GCL GROUP CREDIT LIFE
ICL INDIVIDUAL CREDIT LIFE
ICA INDIVIDUAL CREDIT ACCIDENT AND HEALTH

Type

The type of policy form determines how the policy form is to be used. Choose the type that best fits the year policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

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APP APPLICATION
CER CERTIFICATE
COP COMBINATION POLICY
CPC COMBINATION POLICY CERTIFICATE
OER OPTIONAL ENDORSEMENT/RIDER
POC POLICY/CERTIFICATE
POL POLICY
OER OPTIONAL-ENDORSEMENT/RIDER

Attachment Type

Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated with.

R#1 REQUIRED-ENDORSEMENT/RIDER
M#1 MATRIX/INSERT-PAGE
SEP SCHEDULE-PAGE
ASC ASSUMPTION CERTIFICATE
MIP MATRIX/INSERT PAGE
RER REQUIRED ENDORSEMENT/RIDER
SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitting you-are-submitting? If--the information-is-being-submitted-under-the-same-filing-number-as-the-policy-form, a-separate-informational-filing-sheet-and-transmittal-sheet-are-not-necessary.

DSF DOMESTIC STATE FILING
INP INFORMATIONAL POLICY
OSA OTHER STATE APPROVAL
RIM REQUIRED INFORMATIONAL APPROVAL

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

R#1 R#2
C#1 C#2
V#1 VARIABLE-MATERIAL
B#1 DISCRETIONARY-GROUP-INFORMATION
O#1 OTHER-STATE-APPROVAL
I#1 INFORMATIONAL-POLICY
R#1 REQUIRED-INFORMATIONAL-MATERIAL
CAL CALCULATIONS
RAT RATE

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RIM REQUIRED INFORMATIONAL MATERIAL
VAM VARIABLE MATERIAL

Code

Choose the code that best identifies the year policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the year policy form.

LEB LEVEL-BENEFIT
DEB DECREASING BENEFIT
SUB SUPPLEMENTAL-BENEFIT
LEB LEVEL BENEFIT
MOB MONTHLY OUTSTANDING BENEFIT
SUB SUPPLEMENTAL BENEFIT

Subcode

The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

CPB CRITICAL PERIOD BENEFIT
TRB TRUNCATED-BENEFIT
NOB NONSTANDARD-BENEFIT
SIP SINGLE-PREMIUM
MOB MONTHLY-OUTSTANDING-PREMIUM
LEB LEVEL PREMIUM
MOP MONTHLY OUTSTANDING PREMIUM
NOB NONSTANDARD BENEFIT
SIP SINGLE PREMIUM
TRB TRUNCATED BENEFIT

ACCIDENT AND HEALTH

Category

Determine if the year policy form is general purpose, individual or group. With this information, determine the category.

GPA GENERAL-PURPOSE-A&H
IAH INDIVIDUAL-A&H
GAH GROUP A&H
GPA GENERAL PURPOSE A&H
IAH INDIVIDUAL A&H

Type

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The type of policy form determines how the policy form is to be used. Choose the type that best fits the year policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

APP APPLICATION
POB POLICY
CER CERTIFICATE
POB POLICY/BENEFIT
COP COMBINATION POLICY
CPC COMBINATION POLICY CERTIFICATE
OER OPTIONAL ENDORSEMENT/RIDER
POC POLICY/CERTIFICATE
POL POLICY

Attachment Type

Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated with.

RER REQUIRED ENDORSEMENT/RIDER
MIP MATRIX/INSERT-PAGE
SEP SCHEDULE-PAGE
ASC ASSUMPTION CERTIFICATE
MIP MATRIX/INSERT PAGE
RER REQUIRED ENDORSEMENT/RIDER
SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you are submitting? If the information is being submitted under the same filing number as the policy form, a separate informational filing form and transmittal sheet are not necessary.

ADV ADVERTISING
DSF DOMESTIC STATE FILING
IEP INFORMATIONAL EXCESS POLICY
INF INFORMATIONAL POLICY
OSA OTHER STATE APPROVAL
RIM REQUIRED INFORMATIONAL MATERIAL

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

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RAT
 GAB
 ADV
 VAM
 BGE
 BSA
 BGC
 INP
 RIM
 ADV
 CAL
 DGI
 OOC
 RAT
 VAM
 RIM

RATE
 CALCULATIONS
 DISCRETIONARY GROUP INFORMATION
 OUTLINE OF COVERAGE
 RATE
 VARIABLE MATERIAL
 REQUIRED INFORMATIONAL MATERIAL

Code

Choose the code that best identifies the year policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the year policy form.

ABB
 ACO
 ADD
 AMC
 BLA
 CAN
 COM
 CON
 CUS
 DEN
 DII
 BBE
 EXC
 EXE
 HHC
 HOI
 HSM
 LEE
 EPE
 LTP
 LTT
 MAM
 MAT
 MES
 NHC

ACCIDENTAL-DEATH-AND-DISMEMBERMENT
 ACCIDENT ONLY
 ACCIDENTAL DEATH AND DISMEMBERMENT
 AMBULANCE COVERAGE
 BLANKET
 CANCER
 COMPREHENSIVE MEDICAL
 CONVERSION
 CUSTODIAL
 DENTAL
 DISABILITY INCOME
 EXCESS
 EXCLUSION
 EXCESS
 HOME HEALTH CARE
 HOSPITAL INDEMNITY
 HOSPITAL/SURGICAL MEDICAL
 LEGAL EXPENSE
 LONG-TERM-CARE
 LONG TERM (PARTNERSHIP)
 LONG TERM (TRADITIONAL)
 MAJOR MEDICAL
 MATERNITY
 MEDICARE SUPPLEMENT
 NURSING HOME CARE

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PHC
 WOP
 SCS
 SNF
 SPD
 STL
 SUB
 TRA
 VIC
 WOP

PHARMACEUTICAL COVERAGE
 WAIVER-OF-PREMIUM
 SCHOOL COVERAGE/STUDENTS
 SKILLED NURSING FACILITY
 SPECIFIED DISEASE
 STOP LOSS
 SUPPLEMENTAL BENEFIT
 TRAVEL ACCIDENT
 VISION COVERAGE
 WAIVER OF PREMIUM

Subcode

The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

LEB
 PPA
 NEN
 GPR
 GPR
 GEP
 TEP
 MEP
 PES
 BIS
 MET
 TMB
 ASS
 FRA
 BBO
 ASS
 COP
 DIG
 DUO
 FRA
 GUR
 LIB
 MET
 MOP
 NON
 OPR
 POS
 PPA
 SEG

LIMITED-BENEFIT
 PREFERRED-PROVIDER-ARRANGEMENT
 NONCANCELLABLE
 GUARANTEED-RENEWABLE
 OPTIONALLY-RENEWABLE
 COMPOSITE-PREMIUM
 TERM-PREMIUM
 MONTHLY-PREMIUM
 POINT-OF-SERVICE
 DISCRETIONARY-GROUP
 M.E.T.
 TRUST-M-B-W-A-T
 ASSOCIATION
 FRANCHISE
 BUAL-OPTION
 ASSOCIATION
 COMPOSITE PREMIUM
 DISCRETIONARY GROUP
 DUAL OPTION
 FRANCHISES
 GUARANTEED RENEWABLE
 LIMITED BENEFIT
 M.E.T.
 MONTHLY PREMIUM
 NONCANCELLABLE
 OPTIONALLY RENEWABLE
 POINT OF SERVICE
 PREFERRED PROVIDER ARRANGEMENT
 SMALL EMPLOYER GROUP
 SEG

[215 ILCS 5/351B-1 ET SEQ.]

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SEP SMALL EMPLOYER PORTABLE
[215 ILCS 95/1.1 ET SEQ.]
SCB SINGLE CASE BASIS
TEP TERM PREMIUM
TME TRUST/M.E.W.A.

SERVICE ORGANIZATIONS

Category

First, determine if the your policy form is an individual or group policy form. Second, determine whether the submission is being made by a service organization, a health maintenance organization, or a limited health service organization. With this information, determine the category.

SEB SERVICE-ORGANIZATIONS
IHM INDIVIDUAL-HEALTH-MAINTENANCE-ORGANIZATION
GHM GROUP-HEALTH-MAINTENANCE-ORGANIZATION
BHS LIMITED-HEALTH-SERVICE-ORGANIZATION
GHM GROUP HEALTH MAINTENANCE ORGANIZATION
GLH GROUP LIMITED HEALTH SERVICE ORGANIZATION
GSO GROUP SERVICE ORGANIZATION
IHM INDIVIDUAL HEALTH MAINTENANCE ORGANIZATION
ILH INDIVIDUAL LIMITED HEALTH SERVICE ORGANIZATION
ISO INDIVIDUAL SERVICE ORGANIZATION

Type

The type of policy form determines how the policy form is to be used. Choose the type that best fits the your policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

APP APPLICATION
POLICY
CER CERTIFICATE
IDC IDENTIFICATION CARD
MEH MEMBER HANDBOOK
POC POLICY/CERTIFICATE
POL POLICY
OER OPTIONAL ENDORSEMENT/RIDER

Attachment Type

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Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated with.

RBR REQUIRED-ENDORSEMENT/RIDER
MIP MATRIX/INSERT-PAGE
SEP SCHEDULE-PAGE
ASC ASSUMPTION CERTIFICATE
MIP MATRIX/INSERT PAGE
RER REQUIRED ENDORSEMENT/RIDER
SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you are submitting? If the information is being submitted under the same filing number as the policy form, a separate informational filing and transmittal sheet are not necessary.

RAT RATE
ADV ADVERTISING
VAM VARIABLE MATERIAL
FBB FEDERAL BENEFIT BROCHURE
MBH MEMBER HANDBOOK
IDB IDENTIFICATION CARD
ASO ADMINISTRATIVE SERVICE ONLY
RIM REQUIRED-INFORMATIONAL-MATERIAL
FBB FEDERAL BENEFIT BROCHURE
GRP GRIEVANCE PROCEDURES
RIM REQUIRED INFORMATIONAL MATERIAL

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

RAT RATE
RIM REQUIRED INFORMATIONAL MATERIAL
VAM VARIABLE MATERIAL

Code

Choose the code that best identifies the your policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the your policy form filing.

AMC AMBULANCE COVERAGE
BHC BASIC HEALTH COVERAGE
CLL CLINICAL LABORATORY

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CON CONVERSION
 DEN DENTAL
 EXC EXCLUSION
 MED MEDICARE
 MES MEDICARE SUPPLEMENT
 PHC PHARMACEUTICAL COVERAGE
 POC PODIATRIC COVERAGE
 VIE VISION-COVERAGE
 SUB SUPPLEMENTAL BENEFIT
 VIC VISION COVERAGE

Subcode

The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

EMP COMPETITIVE-MARKETING-PLAN
 EOE COST-CONTRACT
 HCP HEALTH-CARE-PREPAYMENT-PLAN
 PAB PUBLIC-AID-BENEFITS
 POS POINT-OF-SERVICE
 RIE RISK-CONTRACT
 SEB SINGLE-CASE-BASIS
 SOI STATE-OF-ILLINOIS
 PPA PREFERRED-PROVIDER-ARRANGEMENT
 DIG DISCRETIONARY-GROUP
 MBT M-E-T
 TME TRUST/M-E-W-A-
 ASS ASSOCIATION
 BHO BHA-B-OPTION
 ASS ASSOCIATION
 CMP COMPETITIVE MARKETING PLAN
 COC COST CONTRACT
 DIG DISCRETIONARY GROUP
 DUO DUAL OPTION
 HCP HEALTH CARE PREPAYMENT PLAN
 MET M.E.T.
 PAB PUBLIC AID BENEFITS
 POS POINT OF SERVICE
 PPA PREFERRED PROVIDER ARRANGEMENT
 RIC RISK CONTRACT
 SEP SMALL EMPLOYER PORTABLE
 [215 ILCS 95/1 ET SEQ.]
 SCB SINGLE CASE BASIS
 SOI STATE OF ILLINOIS
 TME TRUST/M.E.W.A.

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(Source: Amended at 20 Ill. Reg. 6848, effective
MAY 01 1996)

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Section 916. EXHIBIT C General Transmittal Instructions and Transmittal Sheet

The information provided on the general transmittal must be typewritten.

- 1) Company Name.
- 2) Company Contact Person Mailing Address.
- 3) Company FEIN - Federal Employer Identification Number.
- 4) Company Filing Number - Number used to distinguish this policy form filing from any other policy form filing submitted to the Department of Insurance for approval or withdrawal. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored. When withdrawing a pending filing from further consideration, the Company Filing Number for the withdrawal filing shall be the same as the Company Filing Number assigned when the filing was originally submitted.
- 5) Company Contact Person - The individual's name who is individually most familiar with this form filing.
- 6) Contact Person Phone Number - Telephone number of Contact Person.
- 7) Electronic Mail Identification Number where available.
- 87) Submittal Date - Date filing is sent to Department. of letter--of Submittal

20) New Policy Forms

- A) SEQ # - Sequence number is used to facilitate future retrieval of microfilmed forms at the Department. This number identifies the physical placement of a form within a filing. The sequence number shall must follow the physical order of forms within a filing.
- B) New Policy Form # - Identification in the lower left-hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form. Blank spaces will be ignored.
- C) Category - The classification of the policy form taken from the Coding Guide (Exhibit B of this Part). Note that every form in the filing must be for the same category. Category GPA and GPN apply only to applications and endorsements.
- D) Type - The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Note: For purposes of completing this transmittal sheet, an optional endorsement/rider (Type OER) is considered a policy form.
- E) Code - The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Choose one or two codes which best fit the general terms of your policy form filing. If a code does not apply, leave the space blank.
- F) Subcode - A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part).

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Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank).

- G) P/N - Indicate if the policy form is Participating or Non-Participating by placing a P or an N in the blank. If the term is not applicable, leave the space blank.
Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

109) New Attachments (Type RER) Required Endorsement/Rider, (Type MIP) Matrix/Insert Page, (Type SCP) Schedule Page) to be added to every Policy Form listed in Section 9 7 and/or Section 11 9. A Required Endorsement/Rider is one which is required by statute or Administrative Code and shall must be attached to the policy as a condition for approval or to incorporate new contract provisions. If the attachments do not associate attach to all policy forms listed in Section 9 7 and/or Section 11 9, those attachments shall must be submitted on a separate transmittal sheet.

- A) SEQ # - Sequence number is used to facilitate future retrieval of forms by this Department. This number identifies the physical placement of a form within a filing. The sequence number shall must follow the physical order of forms within a filing.

- B) New Attachment Form # - Identification in the lower left-hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form.

- C) Category - The classification of the policy form taken from the Coding Guide (Exhibit B of this Part).

- D) Type - The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part).

- E) Code - The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Choose one or two codes which best fit the general terms of your policy form filing. If a code does not apply, leave the space blank.

- F) Subcode - A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank).

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

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Company FEIN -

Page of

Company Filing Number

40 11) PREVIOUSLY APPROVED POLICY FORMS. If the new attachments (Type MIP), (Type E&D BER), (Type SCP) in Section 8-10 are to be added to a previously approved Policy Form, list below.

(a)	(b)
PREVIOUSLY APPROVED FILING #	PREVIOUSLY APPROVED POLICY FORM #

11-12) PREVIOUSLY APPROVED ATTACHMENTS. If a previously approved attachment is to be used with a new Policy Form listed in Section 7.9, list these attachments below

(a)	(b)
PREVIOUSLY APP'D ATTACHMENT FILING #	PREVIOUSLY APPROVED ATTACHMENT FORM #

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(Source: Amended at 20
MAY 01 1996)

6848.

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Section 916. ILLUSTRATION A Replacement/Withdrawal Transmittal Instructions and Transmittal Sheet

The information provided on the replacement/withdrawal transmittal must be typewritten.

- 1) Company Name.
- 2) Company Contact Person Mailing Address.
- 3) Company FEIN - Federal Employer Identification Number.
- 4) Company Filing Number - Number used to distinguish this policy form withdrawal filing from any other policy form withdrawal filing submitted to Illinois. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.
- 5) Company Contact Person - The individual's individual's name who is most familiar with this filing.
- 6) Company Contact Person Phone Number - Telephone number of Contact Person Phone number--for--individual--most--familiar--with--this filing.
- 7) Electronic Mail Identification Number where available.
- 8) Submittal. Date - Date Replacement/Withdrawal is sent to Department.

97) A withdrawn form is considered to be a previously approved form one which will no longer be issued in the State of Illinois, a pending--form--you--wish--to--have--withdrawn--from--further consideration or a policy form which has been substituted.

A) Company Filing # - The number identifying the year filing to be withdrawn when originally submitted. Do not use blank spaces in filing numbers.

B) Policy Form # - The Identification of the policy form you wish withdrawn. Do not use blank spaces when identifying policy numbers.

Note: The effective date of withdrawal is the date this request is processed at the Department of Insurance.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight four and the appropriate page number.

Note: For withdrawals without replacement, your company has the option of notifying the Department at year-end. Each December a listing of approved policy forms on file with the State of Illinois will be provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing, which you are no longer issuing. Instructions for withdrawing such forms will be provided with the listing.

Note: For withdrawals without replacement, your company

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will be required to notify the Department of which policy forms are still in use. Such notification must be made at the end of the fiscal year. Each May listing of approved policy forms on file with the State of Illinois will be provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing which you are no longer issuing and for certifying that the remaining policy forms either in use or being issued are in compliance by submitting a certificate of compliance found in Exhibit A of this Part.

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(Source: Amended at 20 Ill. Reg. 6848, effective MAY 01 1996)

Page ____ of ____

1) COMPANY NAME _____

2) COMPANY CONTACT PERSON MAILING ADDRESS _____

3) COMPANY FEIN _____

4) COMPANY FILING NUMBER _____

5) COMPANY CONTACT PERSON _____

6) CONTACT PERSON PHONE NUMBER _____

7) ELECTRONIC MAIL ID # _____

8) SUBMITTAL DATE _____

(2-3) If you are withdrawing an approved policy form, list below:

—For Department Use Only—

(b)
POLICY FORM #

Note. For withdrawals without replacement, your company will be required to notify the Department of which policy forms are still in use. Such notification must be made at the end of the fiscal year. Each May a listing of approved policy forms on file with the State of Illinois will be provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing, which you are no longer issuing, and for certifying that the remaining policy forms either in use or being issued are in compliance by submitting a Certificate of Compliance found in Part 916. (Adm. Code 916.)

Note: The effective date of withdrawal is the date this request is processed at the Department of Insurance.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through four and the appropriate page number

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Section 916. ILLUSTRATION B Certificate of Assumption Transmittal Instructions and Transmittal Sheet

The information provided on the assumption transmittal must be typewritten.

- 1) Assuming Company Name.
- 2) Assuming Company Contact Person Mailing Address.
- 3) Assuming Company FEIN - Federal Employer Identification Number.
- 4) Assuming Company Filing Number - Number used to distinguish this policy form filing from any other policy form filing submitted to Illinois for approval. Do not use blank spaces in filing numbers.
- 5) Assuming Company Contact Person - The individual's ~~individual's~~ name who is most familiar with this filing.
- 6) Contact Person Phone Number - Telephone number of Contact Person
- 7) ~~Phone number for individual most familiar with this filing.~~
- 7) Electronic Mail Identification Number where available.
- 8) Ceding Company Name.
- 8) Ceding Company FEIN - Federal Employer Identification Number.
- 10) Submittal Date - Date Assumption Transmittal is sent to the Department.

11) Assumption Certificate

- A) Policy Form # - Identification in the lower left-hand corner of policy form being submitted. Do not use blank spaces when identifying a policy form.
- B) Category - The classification of the policy form taken from the coding guide (Exhibit B of this Part).
- C) Type - The characteristic abbreviation "ASC" taken from the coding guide (Exhibit B of this Part).
- B) Code - The descriptive abbreviation of the policy form taken from Exhibit B - If the code does not apply to your filing leave the space blank.
- B) Subcode - A more detailed descriptive numerical designation of the policy form taken from Exhibit B - If only one subcode applies, then leave the other spaces blank.

12) Previously approved ceding company filing number and policy form # affected by the Assumption Certificate A. Do not use blank spaces in filing numbers or when identifying policy forms.

11) Previously approved ceding company filing number and policy form # affected by Assumption Certificate B - Do not use blank spaces in filing numbers or when identifying policy forms.

12) Previously approved ceding company filing number and policy form # affected by Assumption Certificate C - Do not use blank spaces in filing numbers or when identifying policy forms.

Note: Assumption certificates will not be approved until the list of assumed policy forms is are listed on the required transmittal sheet.

Note: When submitting more policy forms than the transmittal

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sheet will allow for, continue completing the same section on an additional form, including the information in items one through ten seven and the appropriate page number.

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CERTIFICATE OF ASSUMPTION TRANSMITTAL SHEET

Page ____ of ____

- 1) ASSUMING COMPANY NAME _____
2) ASSUMING COMPANY CONTACT PERSON MAILING ADDRESS _____

3) ASSUMING COMPANY FEIN []
4) ASSUMING COMPANY FILING NUMBER []
5) ASSUMING COMPANY CONTACT PERSON _____
6) CONTACT PERSON PHONE NUMBER _____
7) ELECTRONIC MAIL ID# []
8) CEDING COMPANY NAME _____
9) CEDING COMPANY FEIN []
10) SUBMITTAL DATE _____
11) ASSUMPTION CERTIFICATE _____

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(Source: Amended at 20 Ill. Reg. 6848, effective MAY 01 1996)

[illegible]

1012) Previously Approved Policy Forms Affected by Assumption Certificate #A

CEDING COMPANY FILING #

A1	
A2	
A3	

11) ~~Policy Forms Attached by Assumption Certificate #B~~

CEDING COMPANY FILING #

1:2. Coding Company Policy Forms Affected by Assumption Certificate #C

~~CEDING COMPANY FILING #~~

—For Department Use Only—

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Section 916. ILLUSTRATION C Informational Filing Transmittal Instructions and Transmittal Sheet

The information provided on the Informational transmittal must be typewritten.

- 1) Company Name.
- 2) Company Contact Person Mailing Address.
- 3) Company FEIN - Federal Employer Identification Number.
- 4) Company Contact Person - The individual's name who is individual most familiar with this informational filing.
- 5) Contact Person Phone Number - Telephone number of Contact Person.
- 6) Electronic Mail Identification Number where available.
- 7) Submittal Date - Date Informational Transmittal is sent to the Department.

86) Informational Filings:

- A) Company Filing # - Number used to distinguish this informational filing from any other filing submitted to Illinois for filing. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.
 - B) Category - The classification of the policy form taken from the coding guide (Exhibit B of this Part).
 - C) Information Type - The characteristic abbreviation of the Informational Type taken from the Coding Guide (Exhibit B of this Part). If no related forms are required, as disclosed in Exhibit B of this Part, the transmittal is complete. If related forms are required, the following items must be completed.
 - D) Related Previously Approved Filing # - Number used for previously approved/filing form for which this informational filing relates applies.
 - E) Related Previously Approved Form # - Identification of the previously approved policy form to which this information relates must be listed here.Note: If the related previously approved filing # and form # are not listed on this transmittal, the informational filing will not be processed.
- Note: Only one informational filing can be made per transmittal sheet.
- Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through seven and the appropriate page number.

INFORMATIONAL TRANSMITTAL SHEET

Page ____ of ____

1) COMPANY NAME

2) COMPANY CONTACT PERSON MAILING ADDRESS

3) COMPANY FEIN

4) COMPANY CONTACT PERSON

5) CONTACT PERSON PHONE NUMBER

6) ELECTRONIC MAIL ID.#

7) SUBMITTAL DATE

8) INFORMATIONAL FILINGS:

a) COMPANY FILING #

b) CATEGORY

c) INFORMATION TYPE

d) RELATED PREVIOUSLY APPROVED FILING #

e) RELATED PREVIOUSLY APPROVED FORM #

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 6848, effective
MAY 01 1996)

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Organization, Rulemaking and Public Information
- 2) Code Citation: 2 Ill. Adm. Code 1350
- 3) Section Numbers: Adopted Action:
1350.10 New Section
1350.20 New Section
1350.110 New Section
1350.120 New Section
1350.210 New Section
1350.310 New Section
1350.320 New Section
1350.330 New Section
1350.APPENDIX A New Section
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].
- 5) Effective Date of Rules: May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's principal office? May 1, 1996
- 9) Notice of Proposal Published in Illinois Register: Organizational rules are not required to be published in proposed format.
- 10) Has JCAR issued a Statement of Objections to these Rules?: Organizational rules are not reviewed by JCAR.
- 11) Difference(s) between proposal and final version: As noted above, these rules were not required to be submitted in proposed format.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? As noted above, these rules were not required to be reviewed by JCAR.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These rules set forth the organization of the Department of the Lottery, agency procedures for requesting public information, and agency procedures for rulemaking in satisfaction of Section 5-15 of the Illinois Administrative Procedure Act.

DEPARTMENT OF THE LOTTERY
NOTICE OF ADOPTED RULES
TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XXVII: DEPARTMENT OF THE LOTTERY

PART 1350
ORGANIZATION, RULEMAKING AND PUBLIC INFORMATION
SUBPART A: GENERAL

Section	Definitions
1350.10	Origin and Purpose
1350.20	

SUBPART B: ORGANIZATION

1350.110	Office Locations
1350.120	Organization Structure

SUBPART C: RULEMAKING

1350.210	Rulemaking Procedure
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SUBPART D: PUBLIC INFORMATION

1350.310	Form of Requests for Information
1350.320	Disclosure of Information
1350.330	Fees for Information

APPENDIX A Organization Chart

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].

SOURCE: Adopted at 20 Ill. Reg. 6894, effective MAY 07 1996.

SUBPART A: GENERAL

Section 1350.10 Definitions

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Department" or "agency" means the Illinois Department of the Lottery.

"Director" means the Director of the Department of the Lottery.

"Freedom of Information Act" or "FOIA" means the Illinois Freedom of

DEPARTMENT OF THE LOTTERY
NOTICE OF ADOPTED RULES

16) Information and questions regarding these adopted amendments should be directed to:

Lisa A. Crites, Rules Coordinator
Illinois Department of the Lottery
201 East Madison Street
Springfield, Illinois 62702
217/524-5253

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

Information Act [5 ILCS 140].

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

Section 1350.20 Origin and Purpose

- a) The Illinois Lottery was originally created as a division of the Illinois Department of Revenue by the 78th General Assembly, with legislation effective July 1, 1974. By means of subsequent legislation effective July 1, 1986, the 84th General Assembly established the Department of the Lottery as an independent agency under the Governor, which absorbed the functions of the former lottery division of the Department of Revenue.
- b) The Department is charged with implementing and regulating a State Lottery within the State of Illinois, the net proceeds of which are deposited to the Common School Fund in the State Treasury. To fulfill that mission, the Department offers a variety of lottery games designed to provide entertainment value for the citizens of Illinois while maximizing revenues for the benefit of education.

SUBPART B: ORGANIZATION

Section 1350.110 Office Locations

The principal offices of the Department are located at 201 East Madison Street, Springfield, Illinois 62702 and 676 North Saint Clair, Suite 2040, Chicago, Illinois 60611. There are six regional and district offices located statewide which provide service and support to Lottery agents and players, as well as a collections office located in Chicago. The statewide office addresses are as follows:

Region 1	Region 2
10001 Derby Lane	200 West 22nd Street
Westchester, IL 60154	Lombard, IL 60148
Region 3	Region 4, District 8
200 South Wyman	3377 Mississippi Avenue
Rockford, IL 61101	Chokkia, IL 62206
Region 4, District 9	Region 5
1702 Broadway, Suite C	308 Eldorado Road
Mt. Vernon, IL 62864	Bloomington, IL 61702
Collections	
8616 South Pulaski	
Chicago, IL 60652	

DEPARTMENT OF THE LOTTERY

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Section 1350.120 Organization Structure

The Department is comprised of the Office of the Director, Marketing Division, Finance Division, and Operations Division. Certain aspects of the Department's operation are additionally overseen by the Lottery Control Board. The structure and responsibilities of each organizational segment of the Department are as follows:

- a) The Office of the Director consists of the Director of the Department; Executive Assistant to the Director in Chicago; Public Information Office; Internal Audit Unit; Legal Unit; Legislative Liaison; Personnel, EEO and Labor Relations Section; and Creative and Promotions Unit. The Office of the Director also assumes functional responsibility for the Sales Section.
 - 1) The Director, with the support of the Executive Assistant, oversees all aspects of agency operations.
 - 2) The Public Information Office prepares press releases and otherwise disseminates general information to the public regarding the Department's operations and activities. The office additionally responds to requests for information from the public and the press, with the exception of inquiries made pursuant to the Freedom of Information Act or by members of the General Assembly.
- 3) The Internal Audit Unit conducts an ongoing review of agency policies and practices to ensure compliance with the Act and rules promulgated pursuant thereto, and adherence to accepted accounting and business standards.
- 4) The Legal Unit provides legal counsel to the Director, Department personnel and the Lottery Control Board on both policy issues and proposed actions affecting Department operations; coordinates litigation involving the Department, agency administrative hearings, and agency rulemaking; responds to requests for information pursuant to the Freedom of Information Act; and reviews agency contracts and advertising. The Legislative Liaison is assigned to the Legal Unit and monitors the status of state and federal legislation impacting the Department, secures sponsorship for legislation developed by the Department, prepares agency position papers regarding pending legislation, and responds to inquiries from members of the General Assembly concerning the Department's operations.
- 5) The Personnel, EEO and Labor Relations Unit provides human resource services for the Department, encompassing employee benefits, worker's compensation, labor relations, organizational analysis, equal employment opportunity and affirmative action, and personnel transactions.
- 6) The Creative and Promotions Unit develops special game and promotion concepts, typically involving the participation of private sector firms, designed to increase sales of Lottery products.

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- 7) The Sales Section administers the sale and distribution of Lottery products through the Department's statewide regional and district offices and through the agency's telemarketing program. Sales Section staff recruit new Lottery agents to sell the Department's products, and provide service to thousands of existing Lottery agents through product orientation, point of sale marketing services and claims assistance.
- b) The Marketing Division consists of the Offices of the Deputy Director and Assistant Deputy Director, the On-Line Product Section, the Instant Product Section and the Sales Section. The Marketing Division collectively manages the development and marketing of all Lottery games and products, working closely with the Department's on-line games provider, instant ticket supplier, advertising and promotion agencies, Creative and Promotions staff, and sales force to maximize product sales.
- c) The Finance Division consists of the Office of the Deputy Director, Financial Accounting Section, Ticket Validation Section, Functional Support Section, Return Ticket Control Section and Collections Section.
- 1) The Office of the Deputy Director administers all financial functions of the Department, including management of the Department's investment portfolio which funds deferred Lottery prizes, development and administration of the agency's budget, payment of prizes, and collection of sales proceeds.
- 2) The Financial Accounting Section prepares agency financial reports, monitors budgetary compliance, deposits and transfers funds, processes vouchers for prizes or payments, manages accounts receivable, processes payroll, files liens for past-due amounts, prepares and processes agency contracts, and manages the agency's petty cash fund.
- 3) The Ticket Validation Section verifies prize claims submitted for payment through the Department's central office, initiates prize payment to verified Lottery winners, coordinates payment of prizes through the Department's statewide checkwriting centers, processes certain requests for credit from Lottery agents, and conducts special drawings, including selection of contestants for the Department's televised game show.
- 4) The Functional Support Unit prepares and maintains the Department's personal services budget, manages the Department's vehicle fleet and coordinates agency needs with the Department of Central Management Services motor pool, provides agency-wide staffing support for special projects, and is responsible for agency property control.
- 5) The Return Ticket Control Section receives and audits instant tickets returned by Lottery agents, processes Lottery agent stolen ticket claims, receives and conducts spot audits of agent settlements, and audits promotional coupons for credit to agents.
- 6) The Collections Office manages the collection of overdue monies

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- from Lottery agents and doubles as a checkwriting center.
- d) The Operations Division consists of the Office of the Deputy Director, Administrative Operations Section and Information Resource Services Section.
- 1) The Office of the Deputy Director manages the internal security, administrative operations and data processing functions of the Department, and coordinates activities with the Illinois State Police, such as investigations of ticket alterations and background checks of Lottery agents.
- 2) The Administrative Operations Section provides building security; manages real estate leasing, printing, procurement, mail services, supply services, maintenance, and forms design and control; processes on-line game subscriptions; processes Lottery agent applications; and manages the Department's records retention program.
- 3) The Information Resource Services Section manages the data processing and telecommunications functions for the agency, including system design and programming services for both mainframe and personal computers; procurement of voice, data and radio communications systems and services; and data entry and control.
- e) The Lottery Control Board is a five (5) member advisory board appointed by the Governor which meets at least quarterly. It designates hearing officers and reviews hearing officer recommendations upon appeal, reports to the Governor and other officials any matters necessitating immediate change to the Act or to the Department's rules, makes recommendations to the Director regarding the functions and operations of the Department, and reviews proposed advertising to ensure compliance with established advertising policy.
- f) A functional organization chart appears in Appendix A of this Part.

SUBPART C: RULEMAKING

Section 1350.210 Rulemaking Procedure

- a) Suggestions for rules governing the operation of the Department may be made by any member of the Lottery Control Board, Department personnel, or a member of the general public. Such suggestions shall be in writing and submitted to the Department's Legal Unit in Springfield. Suggested modifications or additions to the rules will be reviewed by the General Counsel and, if found to have merit, will be incorporated into the Department's Regulatory Agenda. Proposed rules will be drafted by legal staff based upon the Regulatory Agenda, and submitted for review by affected office managers, Deputy Directors and the Director.
- c) Approved modifications or additions to the rules will be promulgated as provided in the Act and in Article 5 of the Illinois Administrative

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED RULES

Procedure Act [5 ILCS 100].

SUBPART D: PUBLIC INFORMATION

Section 1350.310 Form of Requests for Information

- a) Requests for general information concerning the Department's operations may be submitted orally, in person, or in writing to:

Illinois Lottery

Public Information Office

201 East Madison Street

Springfield, Illinois 62702

217/524-5157

- b) Requests for information pursuant to the Freedom of Information Act must be submitted in writing to:

Illinois Lottery

Freedom of Information Officer

201 East Madison Street

Springfield, Illinois 62702

- c) Requests for information pursuant to the Freedom of Information Act must specify that they are submitted pursuant to the FOIA, and must indicate the purpose for which the records are requested in order for the Department to determine if release of the requested records would constitute an unwarranted invasion of privacy or otherwise be contrary to the FOIA and whether a waiver or reduction of fees is appropriate.

- d) Requests for the agency's standard computer reports require submission of a "Request for Agency Report(s)" form and payment of specified fees. The form may be obtained from the Department's Public Information Office.

Section 1350.320 Disclosure of Information

Records of the Department shall be considered public information unless exempt from disclosure pursuant to Section 12 of the Act or Section 3 or 7 of the FOIA.

Section 1350.330 Fees for Information

- a) The Department will furnish, with no copying charge assessed, copies of the Department's adopted rules (General Rules, Hearing Rules, Internal Rules and Americans with Disabilities Act Grievance Procedure); instant and on-line game rules; promotion rules; a brief description of the Department, including its purpose, structure, office locations, budget, advisory board membership, procedure for requesting information, and record reproduction fees; a list of the categories of records maintained by the Department (Section 4 of the FOIA); and information printed by the Department expressly for public dissemination, such as the history of the Lottery, lists of prior

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED RULES

winning numbers and agency brochures. Requestors may, however, be asked to furnish a self-addressed stamped envelope to receive these items by mail.

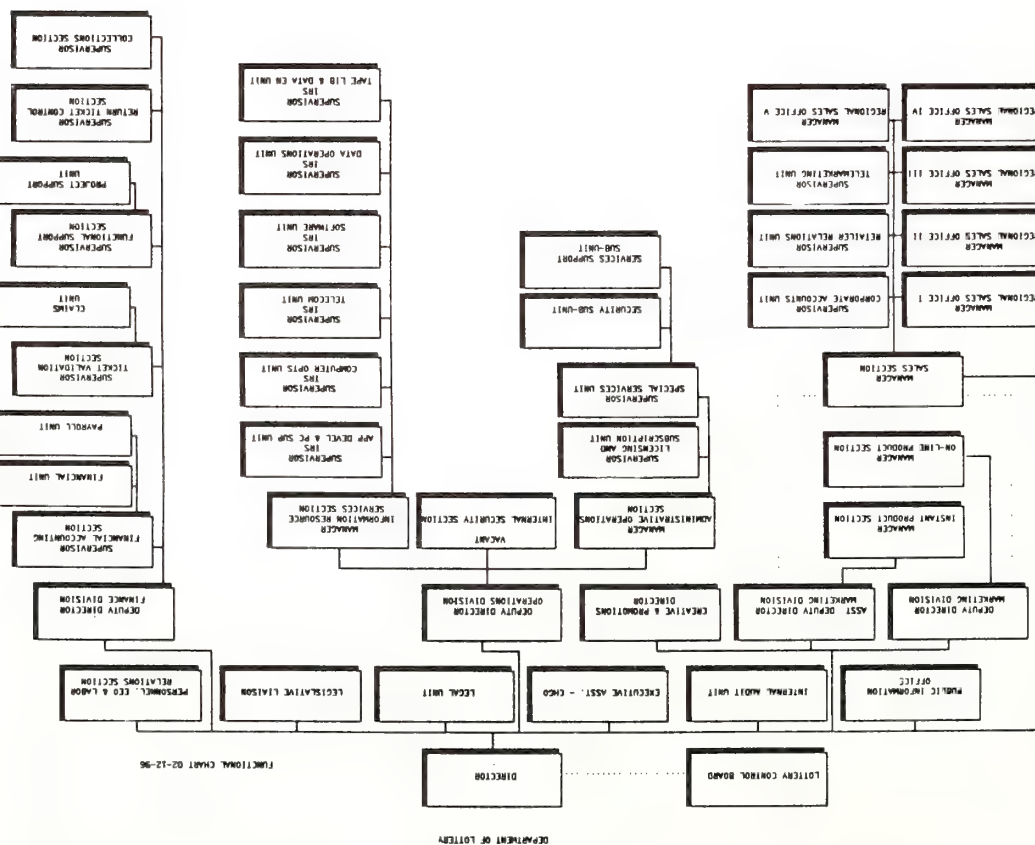
- b) Fees for reproduction of other records of the Department will be assessed in accordance with Section 6(a) of the FOIA and a schedule of fees will be available in each of the Department's administrative and regional offices as required by Section 4 of the FOIA. Fees must be received prior to release of the records, and if fees are not received by the Department within 60 days of notification of the amount due, the request shall be considered withdrawn. Payment of fees shall be by check or money order payable to the Department of the Lottery. If the requestor is unwilling or unable to pick up the requested records at one of the Department's administrative or regional offices, the requestor shall bear mailing or shipping costs.

- c) Fees assessed for reproduction of records may be reduced or waived if the requestor satisfies the criteria set forth in Section 6(b) of the FOIA.

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NOTICE OF ADOPTED RULES

Section 1350. APPENDIX A Organization Chart



DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing Requirements for Land Disposal of Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 601
- 3) Section Number: 601.20
601.20
601.70
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20]
- 5) Effective Date of Amendments: May 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 29, 1996
- 9) Notice of Proposal Published in the Illinois Register: January 19, 1996
(20 Ill. Reg. 984)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:

In Section 601.20, in the definition of "Waste" as follows:

 - on line 4, by deleting the comma after the word "Act";
 - on line 5, by inserting a comma after the phrase "1986)";
 - on line 8, by adding a third closing parenthesis;
 - on line 10, by deleting the word "paragraph" and adding the word "above" after "(A)"; and

by adding an Agency Note at the end of this definition.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendments: This Amendment will include structures in the definition of "land disposal facility" and require that technical information provided pertaining to site suitability include a description of a quality assurance program tailored to low-level radioactive waste disposal. This amendment will assure compatibility with NRC requirements under the Agreement State program.

16) Information and questions regarding these amendments shall be directed to:

Valerie A. Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 601

LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Section	Purpose and Scope
601.10	Definitions
601.20	License Required
601.30	Content of Application
601.50	General Information
601.60	Specific Technical Information
601.70	Technical Analyses
601.80	Institutional Information
601.90	Financial Information
601.100	Standards for Issuance of a License
601.110	Conditions of Licenses
601.120	Application for Renewal or Closure
601.130	Contents of Application for Closure
601.140	Post-Closure Observation and Maintenance
601.150	Post-Closure Procedures
601.160	Termination of License
601.170	Performance Objectives - General Requirement
601.180	Performance Objectives - Protection of the General Population from Releases of Radioactivity
601.190	Performance Objectives - Protection of Individuals from Inadvertent Intrusion
601.200	Performance Objectives - Protection of Individuals During Operations
601.210	Performance Objectives - Stability of the Disposal Site After Closure
601.220	Technical Requirements - Disposal Site Suitability Requirements for Land Disposal
601.230	Technical Requirements - Disposal Site Design for Land Disposal
601.240	Technical Requirements - Land Disposal Facility Operation and Disposal Site Closure
601.250	Technical Requirements - Environmental Monitoring
601.260	Technical Requirements - Alternative Requirements for Design and Operations
601.270	Institutional Requirements
601.280	Alternative Requirements for Waste Classification and Characteristics
601.290	Applicant Qualifications and Assurances
601.300	Funding for Disposal Site Closure and Stabilization
601.310	Financial Assurances for Institutional Controls
601.320	Maintenance of Records, Reports, and Transfers
601.330	Tests at Land Disposal Facilities
601.340	Department Inspections of Land Disposal Facilities
601.350	

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20].

SOURCE: Adopted at 10 Ill. Reg. 17455, effective September 25, 1986; amended at 18 Ill. Reg. 16579, effective November 1, 1994; amended at 20 Ill. Reg. 6904, effective MAY 01 1996.

Section 601.20 Definitions

As used in this Part, the following definitions apply:

"Active maintenance" means activity which is needed during the period of institutional control to assure that the performance objectives in Sections 601.190 and 601.200 are met. Such active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial activities such as repair of fences, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

"Buffer zone" means a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.

"Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, glucinic acid and polycarboxylic acids.

"Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a land disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of the environment.

"Custodial agency" means an agency of the government designated to act on behalf of the government owner of the disposal site.

"Disposal" means the isolation of radioactive wastes from the biosphere inhabited by persons and their food chains by emplacement in a land disposal facility.

"Disposal site" means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

"Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal.

"Engineered barrier" means a man-made structure or device that is intended to improve the land disposal facility's ability to meet the performance objectives in this Part.

"Explosive material" means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

"Hazardous waste" means those wastes designated as hazardous by the U.S. Environmental Protection Agency regulations in 40 CFR 261, effective July 1, 1984.

"Hydrogeologic unit" means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

"Inadvertent intruder" means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

"Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in this Part, or engineered structures that provide equivalent protection to the inadvertent intruder.

"Land disposal" - see "Land disposal facility".

"Land disposal facility" means the land, buildings and structures and equipment which are intended to be used for the disposal of radioactive wastes.

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

"Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130° F (54.5° C). A pyrophoric solid is any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

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"Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

"Stability" means structural stability.

"Surveillance" means monitoring and observation of the disposal site for purposes of visual detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements.

"Waste" means those low-level radioactive wastes that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as in the Low-Level Radioactive Waste Policy Act (P.L. 96-573, as amended by P.L. 99-240, effective January 15, 1986), i.e., radioactive material that (A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))); and (B) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A) above, classifies as low-level radioactive waste.

AGENCY NOTE: The reference to byproduct material as used in this definition has the same meaning as contained in Section 2014(e)(2) of the Atomic Energy Act, also referred to by its former designation of Section 11e.(2) of the Atomic Energy Act.

(Source: Amended at 20 Ill. Reg. — **6904**, effective MAY 01 1996)

Section 601.70 Specific Technical Information

Specific technical information pertaining to site suitability shall be provided to demonstrate that the performance objectives and the applicable technical requirements of this Part will be met:

- a) A description of the natural and demographic disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geotechnical, hydrologic, meteorologic, climatologic, and biotic features of the disposal site and vicinity.
- b) A description of the design features of the land disposal facility and the disposal units. The description shall include design features related to infiltration of water; integrity of covers for disposal units; structural stability of filling material, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and

DEPARTMENT OF NUCLEAR SAFETY

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adequacy of the size of the buffer zone for monitoring and potential mitigative measures.

- c) An environmental assessment describing the impacts that the disposal site will have on the environment.
- d) A description of the principal design criteria and their relationship to the performance objectives.
- e) A description of the design basis natural events or phenomena and their relationship to the principal design criteria.
- f) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the land disposal facilities. Such standards shall meet local, state and national building code standards.
- g) A description of the construction and operation of the land disposal facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other nonradiological substances that might affect meeting the performance objectives of this Part.
- h) A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closure and to eliminate the need for ongoing active maintenance.
- i) An identification of the known natural resources at the disposal site whose exploitation could result in inadvertent intrusion into the low-level wastes after removal of active institutional control.
- j) A description of the kind, amount, classification, and specifications of the radioactive material proposed to be received, possessed, and disposed of at the land disposal facility.
- k) A description of the quality assurance control program, tailored to low-level radioactive waste (LLW) disposal for the determination of natural disposal site characteristics and for quality control during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.
- l) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in Section 601.190 and occupational radiation exposure to ensure compliance with the requirements of 32 Ill. Adm. Code 340 and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. Both routine operations and accidents shall be addressed. The program description must include procedures, instrumentation, facilities, and equipment.
- m) A description of the environmental monitoring program including the frequency, type, and method of analysis to provide data to evaluate

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

potential health and environmental impacts and the plan for taking corrective measures if migration of radionuclides is indicated.
n) A description of the administrative procedures that the applicant will apply to control activities at the land disposal facility.

(Source: Amended at 20 Ill. Reg. 6904, effective
MAY 01 1996),

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Registration of Radioactive Materials, Radiation Machines, and Radiation Installations
- 2) Code Citation: 32 Ill. Adm. Code 320
- 3) Section Number: 320.10 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.1 of the Radiation Installation Act [420 ILCS 30/2.1].
- 5) Effective Date of Amendments: May 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 29, 1996
- 9) Notice of Proposal Published in the Illinois Register: February 9, 1996 (20 Ill. Reg. 2326)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment will implement a legislative mandate that deleted the requirement that the Department charge a penalty to licensees and registrants for non-payment of fees. This amendment will also clarify the billing procedures and due date for the registration fees to be paid by the operators of radiation installations. In addition, this amendment adds the enforcement remedies from Section 36 of the Radiation Protection Act of 1990.
- 16) Information and questions regarding these amendments shall be directed to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety

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NOTICE OF ADOPTED AMENDMENT

1035 Outer Park Drive
Springfield, IL 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 320

REGISTRATION OF RADIOACTIVE MATERIAL, RADIATION MACHINES,
AND RADIATION INSTALLATIONS

Section

320.10	Registration
320.15	Incorporations by Reference
320.20	Amendments
320.30	Discontinued Use
320.40	Exemptions
320.50	Noncompliance

AUTHORITY: Implementing and authorized by the Radiation Installation Act [420 ILCS 30].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990; amended at 18 Ill. Reg. 3363, effective February 22, 1994; amended at 20 Ill. Reg. 6912, effective MAY 01 1996.

Section 320.10 Registration

a) Installation Registration

- 1) Any operator of a facility where radiation machines are used or where radioactive material is produced, transported, stored, used or disposed of for any purpose, which is not subject to regulation by the U.S. Nuclear Regulatory Commission (NRC), shall register such radiation installation with the Department of Nuclear Safety (Department). The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department which shall include:
 - A) The operator's name;
 - B) The location and confines of the radiation installation; and
 - C) The type, strength and number of sources of radiation expected to be produced, used, operated, stored or disposed.
- 2) When the number of sources exceeds 50, the Director will, upon request of the operator, permit blanket registration of the installation. This blanket registration shall be on a form prescribed by the Department and shall include:
 - A) The operator's name;
 - B) The location and confines of the radiation installation;
 - C) A description of each type and range of strengths of each

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type of source of radiation;

- D) The number of each type of source;
- E) The radionuclide in each type of source; and
- F) The specific information requested on form IL 473-0013 regarding registration of x-ray machines.

b) Machine Registration

- 1) Every operator of a radiation installation where radiation machines are located shall register such machines with the Department.
- 2) Installation operators shall register radiation machines annually on a form prescribed by the Department. ~~The registration--form shall--be--fixed--before--February--1--of--each--year. An annual registration fee of \$10.00 per radiation machine for each machine possessed on January 1 of each year shall be submitted with the registration form. The Department shall bill the operator for the registration fee as soon as practical after January 1. Registration fees shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid the Department may issue an order directing the operator of the installation to cease use of the radiation machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Radiation Protection Act of 1990 [420 ILCS 40/36]. [420 ILCS 30/2.1]~~

(Source: Amended at 20 Ill. Reg. 6912, effective MAY 01 1996.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.275
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 6, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 6, 1996
- 9) Notice of Proposal Published in Illinois Register:
December 22, 1995 (19 Ill. Reg. 16765)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:

In the first sentence of subsection (d)(4), the date "(1994)" has been added after the CFR reference.

The second sentence of subsection (d)(4) has been revised to read, "This amount will be determined by adding the flat per diem of \$.30 to the amount calculated according to subsection (d)(2) above."

The new language in subsection (d)(4) has been revised as follows:

An add-on of \$.10 per resident day will be paid to all ICF/MR facilities (including four and six bed facilities) for emergency dental services, including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

No other changes have been made in the proposed rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes

- | Sections | Proposed Action | Illinois Register Citation |
|----------|---------------------|------------------------------------|
| 144.25 | New Section | March 22, 1996 (20 Ill. Reg. 4526) |
| 144.50 | Repeal; New Section | April 12, 1996 (20 Ill. Reg. 5434) |
| 144.300 | Amendment | March 8, 1996 (20 Ill. Reg. 4035) |
- 15) Summary and Purpose of Amendments: These amendments provide for a reimbursement add-on of \$.10 per resident day for emergency dental services for Medicaid eligible residents of ICF/MR facilities. Emergency dental services, as described in the amendments, are required in ICF/MR facilities by federal regulations at 42 CFR 483.460. Companion amendments are being adopted at 89 Ill. Adm. Code 147.205 for Medicaid eligible residents of nursing homes.
- The rate maintenance provisions for long term care facilities at 89 Ill. Adm. Code 153.100 have been amended to reflect the add-on for emergency dental services. A Notice of Public Information regarding these dental services provisions was published in the Illinois Register on November 27, 1995, at 19 Ill. Reg. 15854.
- These ICF/MR reimbursement changes are expected to increase expenditures for the Department of Mental Health and Developmental Disabilities by approximately \$216,000 annually.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICES

- | Section | Incorporation By Reference |
|---------|---|
| 144.1 | Determination of Program (Active Treatment) Costs |
| 144.5 | Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Repealed) |
| 144.25 | Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed) |
| 144.50 | Comprehensive Functional Assessments and Reassessments (Repealed) |
| 144.75 | Interdisciplinary Team (IDT) (Repealed) |
| 144.100 | Individual Program Plan (IPP) (Repealed) |
| 144.105 | Specialized Care - Behavior Development Programs |
| 144.125 | Specialized Care - Health and Sensory Disabilities |
| 144.150 | Functional Needs |
| 144.175 | Service Needs - Medical Care (Repealed) |
| 144.200 | Service Needs - Medical and Therapy Services (Repealed) |
| 144.205 | Individual Rights (Repealed) |
| 144.225 | Reconciliation of Resident Funds |
| 144.230 | Discharge Planning/Maximum Growth Potential Plan (Repealed) |
| 144.250 | Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities |
| 144.275 | Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities |
| 144.300 | Capital Rate Calculation |
| 144.325 | Overview of Staff Intensity Scale of Maladaptive Behaviors |
| TABLE A | Staff Intensity Scale |
| TABLE B | IPP Outcomes (Repealed) |
| TABLE C | Guidelines for Determining Levels of Functioning |
| TABLE D | Standardized Adaptive Functional Assessment |
| TABLE E | |
- AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective

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March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective MAY 06 1996.

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities

Residential facilities, including distinct parts of facilities, for clients with developmental disabilities (ICF/MR certification with licensure for ICF/DD, ICF/DD-16, SLC, and ICF/MR-SNF/PED license), excluding state operated facilities for individuals with developmental disabilities, will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived by the Department of Mental Health and Developmental Disabilities from the following four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department of Public Health survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

- 1) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 483.430) minimum average daily staffing standards relative to client population according to each individual's overall level of functioning:

Overall Level of Functioning	FTE* Staff : Client Ratio
Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

- A) Determination of levels of functioning of clients with mental retardation and related conditions, in accordance with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period), will include

both:

- i) an assessment of intellectual functioning as measured by a standardized, full scale, individual intelligence test such as the Stanford Binet and WAIS-R. Such an assessment must be administered by a psychologist who is registered in Illinois under the Clinical Psychologist Licensing Act ~~Illinois Psychologist Act~~ (Illinois Department of Professional Regulation); and an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory For Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors.
- B) The final determination of each client's overall level of functioning employs both the assessment of intellectual functioning and the assessment of adaptive behaviors, and will be made according to the criteria set forth in Section 144. Table D and Section 144. Table E.
- C) The amount for Direct Services for these staffing ratios shall be obtained by:
 - i) determining the number of clients within each overall level of functioning; dividing each number by the client component of the staff: client ratio; summing these quotients; multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost; and dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day. For example, if a facility serves 40 clients in the mild level of functioning, 30 clients in the moderate level of functioning, and 30 clients in the severe/profound level of functioning, the number of FTE Direct Services staff will be $(40 \text{ divided by } 5) + (30 \text{ divided by } 2.5) + (30 \text{ divided by } 2) = 35$. If the aide hourly wage is \$5.00, the total annual cost will be $35 \times \$5 \times 2080 = \$364,000$. The amount for FTE Direct Services per client per day will then be $\$364,000 \text{ divided by } 365 \text{ divided by } 100 = \9.97 .
 - ii) In ICF/DD-16 facilities, the foregoing calculation is modified such that in step two of subsection (a)(1)(C)(i) above, the facility may receive an amount for up to an additional .5 FTE. Direct Service is determined by multiplying .5 FTE by the proportion found by the ratio of the number of Medicaid eligible

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clients in the severe/profound level of functioning divided by the total number of eligible clients.

- 2) Licensed Nurses-Facilities must be in compliance with HCFA (42 CFR 483.460) and Illinois Department of Public Health (IDPH) (77 Ill. Adm. Code 350.1230) staffing standards relative to facility type.

A) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 90 or fewer clients, none of whom require services under Levels II and III of Specialized Care-Health and Sensory Disabilities (Section 144.150(c) and (d)), will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 90 clients will be reimbursed for additional FTE nurses according to the following Table:

<u>Licensed Capacity,</u> <u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Greater than 90 clients with no Specialized Care - Health and Sensory Disabilities needs under Levels II and III	1:18.75

- B) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 30 or fewer clients, all of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 30 clients will be reimbursed for additional FTE nurses according to the following Table:

<u>Licensed Capacity,</u> <u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Greater than 30 clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and III	1:6.25

AGENCY NOTE: The Omnibus Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which

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meet ICF/MR certification requirements must be certified ICF/MR in order to comply with federal law when admitting individuals with mental retardation. Facilities which undergo certification conversion to ICF/MR will retain State licensure for skilled care (SNF/PED).

- C) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) which has a licensed capacity of 30 clients or more, some of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some of whom do not require such services, will be reimbursed for a minimum of 4.8 FTE nurses for non Specialized Care individuals plus additional FTE nurses, up to a maximum of a 1:6.25 ratio, according to the following Table:

<u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and/or III	1:6.25

<u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Clients with no Specialized Care needs under Levels II and III	1:18.75

For example, for a facility with a licensed capacity of 42 clients, 15 of whom require services under Level(s) II and/or III, and 27 of whom do not require such services, the number of FTE nurses will be (15 divided by 6.25 = 2.40) + (27 divided by 18.75 = 1.44, however, reimbursement will be calculated at the minimum of 4.8) = 7.2. Utilizing the maximum client ratio allowed, the facility will be reimbursed for 6.72 FTE nurses (42 divided by 6.25 = 6.72). Licensed nurses are not required in an ICF/DD-16 if none of the clients require a physician's medical care plan of treatment.

- D) i) An ICF/DD-16 which has eight or fewer clients with medical care plans of treatment but who do not require services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, will be reimbursed for .5 FTE nurse. A facility with nine or more such clients will be reimbursed for one FTE nurse.
- ii) An ICF/DD-16 with clients requiring medical care plans of treatment and additional medical services under Specialized Care - Health and Sensory Disabilities,

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Level(s) II and/or III, will be reimbursed according to the method in subsection (a)(2)(D)(i) above, plus additional reimbursement for licensed nurses using an FTE nurse: client ratio of 1:6.25 up to a maximum of the 1:6.25 ratio.

- E) The licensed nurse component is computed similarly to the method in subsection (a)(1)(C) above. To determine the amount for Licensed Nurses, the number of FTE nurses required for each facility type and/or for clients receiving services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, shall be obtained according to subsections (a)(2)(A), (B), (C) and (D) above. This number is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.

b) Active Treatment

- 1) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- A) A doctor of medicine or osteopathy.
B) A registered nurse.
C) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist; Master's Degree; Social Worker; Recreation Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

- D) The amount for QMRPs assumes that a full-time QMRP is required for every 15 clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by 15. The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.

2) Interdisciplinary Team (IDT)

- A) The amount for services rendered by the IDT assumes that each client for services one day of IDT services per year. This amount is computed to be \$1.82 per client per day.

- B) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is

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required (89 Ill. Adm. Code 140.647). Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

3) Additional Direct Service Staff (ADSS)

- A) The amount for ADSS assumes an FTE staff:client ratio of 1:7.5. The total number of clients is divided by 7.5 and a per diem amount is obtained according to the method described in subsection (a)(1)(B) of this Section. In SLC facilities, the foregoing calculation is modified so that the overall level of functioning is distributed proportionately across each living unit (16-18 clients) in step one of the calculation. If dividing the number of clients results in a fraction, it is rounded up to the next whole number in proportion to the number of clients in the severe/profound level of functioning. The total FTE is obtained by summing the calculation results from each living unit.

- B) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (subsection (a)(1) of this Section), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- 4) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

c) Specialized Care

An additional amount shall be paid for clients meeting the requirements for services under Specialized Care. Detailed descriptions of services under Specialized Care are found in Section 144.125 Specialized Care - Behavior Development Programs, and Section 144.150, Specialized Care - Health and Sensory Disabilities. The service level for each client meeting the criteria of more than one level under Specialized Care shall be determined according to his/her disability or functional deficit which represents the most intense need for services under Specialized Care, and results in the greatest reimbursement.

1) Specialized Care - Behavior Development Programs

Behavior development programs are related to maladaptive behaviors which occur with high frequency and/or great severity, and are instituted for the reduction of maladaptive behaviors and/or the increase of adaptive behaviors. The behavior development program shall demonstrate the need for and use of a more intensive staffing pattern (direct care staff) than the regular pattern which is reimbursed for under subsection (a)(1) of this Section. The service level for a client who meets the requirements for services under Specialized Care - Behavior

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Development Programs will be identified and validated during the most recent IOC.

A) Level I - .5 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with high frequency but moderate severity, such as verbal abuse one or more times per four hours which is hostile in tone and content.

B) Level II - 1.0 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with high frequency and are aggressive or destructive, such as purposeful attacks of others which may result in minimal injuries, one or more times per day.

C) Level III - 2.0 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with very high frequency such as hyperactivity one or more times per minute, or occur with high frequency and are seriously aggressive, assaultive or destructive and which may result in serious injury.

2) Specialized Care - Health and Sensory Disabilities

Specialized services for health and sensory disabilities refer to care which some clients must receive in order to attain physical health and development.

A) Definitions

i) Ambulatory-The client is capable of walking without assistance or the aid of adaptive equipment or devices.

ii) Mobile Nonambulatory-The client is capable of locomotion with mobility assistance such as adaptive equipment or devices.

iii) Nonmobile-The client is not capable of locomotion even with mobility assistance.

B) Level I - .5 hours FTE Direct Service per day. The client is ambulatory, mobile nonambulatory, or has the potential to become mobile nonambulatory, and requires services to compensate for a sensory deficit (auditory or visual), or services enabling him/her to be mobile (physical disabilities).

i) Sensory deficits-visual. The client's vision is 20/200 or less in the better eye with the greatest possible correction [20 ILCS 2420/2].

ii) Sensory deficits-auditory. The client has a hearing impairment of at least 55 decibels in the better ear, unaided.

iii) Physical disabilities means physical impairments which result in functional deficits requiring the client to receive training in the use of a device or devices, to achieve some level of independent mobility.

C) Level II - 1.0 hours FTE Direct Service per day. The client

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is nonmobile or mobile nonambulatory, requires mobility assistance, and requires services to meet high personal care needs. The client may also have significant daily medical needs and/or dual sensory deficits (visual and auditory).

i) Mobility assistance means assistance in transferring from a bed to an alternative position device, and assistance with movement/mobility around the facility.

ii) High personal care means one or more of the following: assistance with bathing, clothing, grooming and hygiene, eating and continence; position changes at two hour intervals, or as specified in the individual program plan; range of motion twice a day, or as specified in the individual program plan.

iii) Daily medical need means daily insulin injections, drug (insulin) monitoring, and/or ostomy care for a jejunostomy, ileostomy or colostomy.

iv) Dual sensory deficits means both an auditory disability and a visual disability.

AGENCY NOTE: A client who meets the criteria for Level II services is eligible for the FTE nurse:client ratio according to subsections (a)(2)(B), (C) and (D) of this Section.

D) Level III - 2.0 hours FTE Direct Service per day. The client is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs mean one or more of the following:

i) daily intermittent catheterization;
ii) care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations;

iii) respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning;

iv) feeding via nasogastric tube, or prolonged oral feeding; and

v) intensive physical habilitation due to a functional deficit as determined by physical or psychological causes.

AGENCY NOTE: A client who meets the criteria for Level III services is eligible for the FTE nurse:client ratio according to subsections (a)(2)(B), (C) and (D) of this Section.

3) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under subsections (c)(1) and (2) of

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this Section, pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage is \$5.00, assume a facility with ten residents, two of whom meet the criteria for Specialized Care - Health and Sensory Disabilities Level II, subsection (c)(2)(C) of this Section, with no daily medical needs or sensory deficits, and eight of whom do not meet Specialized Care criteria. The facility will receive an amount of \$.81 per client per day (two hours X 1.14 (FWE adjustment factor) divided by eight hours/day = .285 staff; then .285 X (2080 hours/year divided by 365 days/year); then divide by ten clients and multiply by \$5.00 to obtain \$0.81).

d) Related Costs

- 1) An amount per client per day will be paid for other program costs, including program - related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.
- 2) For each facility type, this amount will be determined as follows. Add the amounts determined for subsections (a), (b) and (c) of this Section, but excluding the amount for the IDT (subsection (b)(2) of this Section), and then multiply this sum by the facility's Health Service Area (HSA) grouping (89 Ill. Adm. Code 140. Table B). The product plus the amount for the IDT (subsection (b)(2) of this Section), is then multiplied by a constant for the facility type, as follows:

Facility Type	Constant
ICF/DD	.10
SNF/PED or ICF/DD	.15
(An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities).	
ICF/DD-16 & SLC	.20

- 3) An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some clients not requiring such services will have the total related cost calculated according to the weighted sum of the number of clients requiring Level(s) II and/or III multiplied by .15, plus the number of clients not requiring such services multiplied by .10. For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the total related cost will be calculated according to

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subsection (d)(2) above for both groups of clients. (That is, subsections (a), (b) and (c) of this Section are summed, excluding the amount for the IDT, for clients requiring Level(s) II and/or III and for clients not requiring Level(s) II and/or III. Each sum is multiplied by the facility's HSA grouping, and the products are added to the amount for the IDT.) Each outcome is multiplied by the appropriate constant (the SNF/PED-ICF/DD constant of .15 or the ICF/DD constant of .10), and then by the number of clients in each group respectively. The two products are summed and then divided by the total number of clients.

- 4) An amount will also be paid for dental services which are in compliance with HCFA's regulations (42 CFR 483.460(e), (f) and (g)(1994)), for each client age 21 or more. This ~~Beginning-July 17-1997~~ Beginning-July 1994 amount will be determined by adding the flat per diem of \$.30 to the amount calculated according to subsection (d)(2) above. This per diem will cover the costs of prophylaxis treatment up to once every six months, and periodontal services as needed for each eligible client. An add-on of \$.10 per resident day will be paid to all ICF/MR facilities (including four and six bed facilities) for emergency dental services, including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

- e) Total Program Per Diem - Total program per diem for each facility will be the sum of the amounts from subsections (a), (b), (c) and (d) of this Section.

(Source: Amended at 20 Ill. Reg. 6916, effective MAY 06 1996)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.55 New Section
140.523 Amendment
140.570 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code[305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 6, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 6, 1996
- 9) Notice of Proposal Published in Illinois Register:

Section 140.55

January 26, 1996 (20 Ill. Reg. 1466)

Section 140.523

January 19, 1996 (20 Ill. Reg. 1146)

Section 140.570

December 22, 1995 (19 Ill. Reg. 16778)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version:

Section 140.55

In subsection (b)(1), the comma after "process" has been deleted.

In the first sentence of subsection (c)(1), the comma after "Department" has been deleted.

At the end of subsection (c)(5)(B), the period has been changed to a semicolon.

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In subsection (d)(2), the comma after "agents and employees" has been deleted.

In subsection (d)(7), a comma has been added after "shareholders of the subscriber".

In subsection (f)(2), "Birth" has been changed to "birth". Subsection (f)(8) has been changed to "Third Party Liability (TPL) information, including:".

In subsection (f)(8)(E), "Number" has been changed to "number".

In subsection (f)(8)(G), "Termination" has been changed to "termination".

No other changes have been made to these proposed amendments.

Section 140.523

No changes have been made to this proposed rulemaking.

Section 140.570

No changes have been made to this proposed rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect?
No

- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.24	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.400	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.435	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.539	Amendment	April 12, 1996 (20 Ill. Reg. 5448)
140.642	Amendment	March 22, 1996 (20 Ill. Reg. 4531)

- 15) Summary and Purpose of Amendments:

Section 140.55

These amendments establish the Recipient Eligibility Verification (REV) system, as required by Public Act 88-554. The REV system will offer

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on-line Medicaid eligibility and claims history information to providers of medical services who enter into a contract to participate in the REV system. Recipient eligibility information is to be available to providers through contractors who have reached a contractual agreement with the Department. Marketing of the REV system to providers will be the responsibility of such contractors. REV services will be made available through leased lines between the contractors and the State.

The projected cost estimate for the development and establishment of the REV system is approximately \$496,000.

Section 140.523

These amendments allow for post payment approval of bed reserves in nursing facilities to be made by non-nursing staff from the Bureau of Long Term Care (BLTC). Currently, such post payment approval for bed reserves must be completed by professional nurses. However, since BLTC nurses now work as surveyors with the Department of Public Health, and verification of bed reserve days does not require professional nursing skills, other BLTC staff can complete post payment bed reserve approvals.

Section 140.570

These amendments allow the Department to use the Means Building Construction Cost publication indices to inflate building costs in the long term care capital rate methodology. All indices used by the Department in rate setting have been nationally published and available to everyone. In the past, the Department has used the Dodge Building Cost Indices for U.S. and Canadian Cities. However, the Dodge indices are no longer being published. In order to use indices that are published, verifiable and widely available, the Department must change to a currently published index. The Means publication is the only publication found that has historical indices, by city, similar to what had been published in Dodge.

These amendments are expected to result in an increase in expenditures of approximately \$2.8 million (\$2.5 million for nursing facilities and \$.3 million for facilities for persons with developmental disabilities (ICF/MR)). This increase is expected because average rates using the Means indices are 4.5 percent over the fiscal year 1994 capital rates, while ordinarily only a 3.2 percent increase would be expected.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid

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100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under the Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.8	Who Do Not Qualify for AFDC and Children Under Age Eight
140.9	Medical Assistance For Qualified Severely Impaired Individuals
140.10	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.11	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
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140.27	Assignment of Vendor Payments
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140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
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Staff Time and Allocation for Training Programs (Recodified)

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg.

111403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective September 13, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 4342, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 11987; amended at 11 Ill. Reg. 11328, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509,

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effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective

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December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective

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March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective MAY 06 1996.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.55 Recipient Eligibility Verification (REV) System

- a) REV System Description
The REV system was created under Public Act 88-554 and offers on-line Medicaid eligibility information and claims history information to subscribers. This information is provided to subscribers through contractors who have entered into a contract with the Department. The contractors are responsible for marketing the system to providers. Services will be made available through leased lines between the contractors and the State. Upon availability of REV contractors in a geographic area, only contractors and subscribers participating in the REV system are authorized to access information provided through the REV system.

b) Definitions

As used in this Section, unless the context requires otherwise:

- 1) Contractors are those entities having successfully completed the Request for Proposal (RFP) process and executed a contract with the Department to provide services under the REV system.
- 2) Providers are providers of medical services who are enrolled with the Department to render services under the Medicaid program.
- 3) Subscribers are medical providers who are enrolled in the

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Medicaid program or are the provider's agent and who execute a contract with a contractor to participate in the REV system.

- c) Eligible Contractors
In order to be qualified to participate in the system, the contractor must:
- 1) Submit a proposal acceptable to the Department and execute a contract with the Department. Under this contract, the contractor must agree to execute a written contract with each subscriber prior to any exchange of data with that subscriber and only after the contractor has received prior approval from the State of the model subscriber contract language;
 - 2) By the end of the first 12 months of the contract, handle a minimum number of subscribers or transactions per month as determined by the Department;
 - 3) Agree to access data through one or more high speed data transmission circuits as determined by the Department to be compatible with current technology and operating needs;
 - 4) Treat all information, including information relating to recipients and providers obtained by the contractor through performance while under the contract with the Department, as confidential information pursuant to the Public Aid Code;
 - 5) Provide data through a system designed to be flexible to meet each subscriber's needs as well as meeting the following specific requirements:
 - A) Support various means of telecommunication that are commonly available for use by the subscriber; and
 - B) Be compatible with the State of Illinois Department of Central Management Services' current telecommunications operating environment;
 - 6) Certify that it is neither an individual nor an organization that:
 - A) Furnishes statements or bills and receives payment in the name of the providers; or
 - B) Advances money to a provider for accounts receivable that the provider has assigned, sold or transferred to the individual or organization for an added fee or a deduction of the portion of the accounts receivable.
 - d) Subscriber Contracts
The contractor must agree that all contracts with subscribers provide that:
 - 1) Access to the system shall be restricted to the sole purpose of verification of medical assistance eligibility and providing claims history information where a subscriber is requesting payment information for medical services rendered to a recipient;
 - 2) The subscriber indemnifies and holds harmless the State, its agents and employees from any and all claims by such subscriber or any recipient who is aggrieved by the actions of any party under the contract;

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- 3) The subscriber is an enrolled Medicaid provider or the provider's agent;
- 4) The fees charged to subscribers must be reasonable;
- 5) Any other third party may be granted access to the system only with prior approval of the State;
- 6) All information, including information relating to recipients and providers obtained by the subscriber through performance under contract with the contractor, is treated as confidential information pursuant to the Public Aid Code; and
- 7) The subscriber certifies that neither it, nor any employees, partners, officers or shareholders of the subscriber, are currently barred, suspended or terminated from participation in the Medicaid or Medicare programs, nor are any of the above currently under sanction for, or serving a sentence for, conviction of any Medicaid or Medicare program offenses.

e) Charges for System Services

- 1) Charges to contractors will be established in the contract between the contractor and the Department.
- 2) Charges to the subscribers are made in accordance with the fee schedule and provisions specified in the contractor's and subscriber's contract.

f) Required Recipient Information

The following recipient information must be made available to the subscriber:

- 1) Medicaid eligibility status for service date(s);

- 2) Date of birth;

- 3) Medicare eligibility;

- 4) HMO enrollment data;

- 5) Recipient restriction status;

- 6) Spend-down status;

- 7) Recipient claims history information; and

- 8) Third Party Liability (TPL) information, including:

- A) Carrier name and address;

- B) Coverage types;

- C) Policyholder name and address;

- D) Policy number;

- E) Group number;

- F) Coverage date; and

- G) Coverage termination date.

(Source: Added at 20 Ill. Reg. effective

6929

MAY 06 1996

Section 140.523 Bed Reserves

a) Nursing Facilities

- 1) All bed reserves must:

- A) be authorized by a physician (and in the case of

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hospitalization, the physician must anticipate that the hospitalization will not exceed ten days);

- B) have post payment approval from the Bureau of Long Term Care staff nurse based on satisfying the requirements of this Section;
- C) be limited to residents who desire to return to the same facility; and
- D) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.

- 2) Payment may be approved for hospitalization for a period not to exceed ten days per hospital stay. The day the resident is transferred to the hospital is the first day of the reserve bed period.

- 3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to seven consecutive days in a billing month or ten non-consecutive days in a billing month. The day after the resident leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.

- 4) The Bureau of Long Term Care staff nurse will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to ten days per month are valid for a period not exceeding six months.

- 5) Payment for approved bed reserves is a daily rate at 75 percent 75% of an individual's current Medicaid per diem.

- 6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

- b) ICF/MR Facilities (including ICF/DD and SNF/Ped licenses SNF/PED facilities)

- 1) All bed reserves must:

- A) be authorized by the interdisciplinary team (IDT); and

- B) be limited to residents who desire to return to the same facility.

- 2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.

- 3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

- 4) Payment may be approved for hospitalization for a period not to

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exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:

- A) 100 percent 100% of a facility's current Medicaid per diem for the first ten days of an admission to a hospital;
- B) 75 percent 75% of a facility's current Medicaid per diem for days 11 through 30 of the admission;
- C) 50 percent 50% of a facility's current Medicaid per diem for days 31 to 45 of the admission.

5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:

- A) 100 percent 100% of a facility's current Medicaid per diem for a period not to exceed ten days per State fiscal year;
- B) 75 percent 75% of a facility's current Medicaid per diem for a period which exceeds ten days per State fiscal year.

(Source: Amended at 20 Ill. Reg. 6929, effective MAY 06 1996)

Section 140.570 Capital Rate Component Determination

a) Capital rates for all long term care facilities--except State Institutions, Specialized Living Centers and campus facilities, shall be reimbursed in the manner described in Sections 140.570 through 140.573. Capital rates for Specialized Living Centers are set forth in 140.579. Campus facilities are reimbursed in accordance with 140.583.

b) The terms used in Sections 140.570 through 140.574 are defined as follows.

1) "Arm's-length transaction" means a transaction between a buyer and a seller both free to act, each seeking his own best economic interest. A transaction between related parties as defined in Section 140.537 is not considered to be an arm's-length transaction.

2) "Base Year" refers to the weighted average year of investment in the actual construction of the building. The Base Year is determined using the components of the building cost, which are included in the Original Building Base Cost, and the corresponding years of acquisition or construction. The year of each component of the total investment is multiplied by the cost of each year's investment. The sum of these products is then divided by the total Original Building Base Cost to yield an average year of construction. Any fractional portion of the Base

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Year derived from this calculation will be truncated. The Base Year will not change due to sale or lease of the building subsequent to January 1, 1978.

3) "Capital Days" are used to convert all capital items to per diem amounts unless otherwise specified. If a facility's occupancy rate is above 93 percent ~~4~~-, then capital days shall be equal to the actual patient days. If occupancy is below 93 percent ~~4~~-, then 93 percent ~~4~~ of available bed days (the number of licensed beds multiplied by the number of calendar days in a period) shall be the capital days.

4) Building Basis:

A) "Original Building Base Cost" means either the cost of construction or the cost of the latest purchase of the building in an arm's-length transaction prior to January 1, 1978. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978. In the case of a nursing home building constructed after January 1, 1978, the allowable construction cost plus the cost of subsequent improvements will be the original building base cost.

B) If a portion of the building is vacant or is used for functions other than a nursing home, then a portion of the building's original building base cost will not be used in the rate calculation. This cost allocation will be based upon the proportion of the total square feet in the building being used for nursing home functions.

5) "Bodge--Construction--Index"---means--the--index--of--changes--in construction--costs--from--year--to--year--developed--from--the--annual publication--Bodge--Construction--Systems--Costs--as--published--by McGraw-Hill--Cost-Information-Systems-

5)6) "Rate of Return" will be 11.0 percent ~~4~~ for base years which are 1979 and later and 9.13 percent ~~4~~ for base years which are 1978 and earlier.

6) "Means Construction Index" means the index of changes in construction costs from year-to-year developed from the annual Publication Means Building Construction Cost data as published by R.S. Means Company, Inc.

7) "Means New Construction Cost Per Square Foot" is defined as the costs published by the R.S. Means Company, Inc. Data will come from the most recent edition of the Means Square Foot Costs publication. The cost used per square foot for new construction is based upon nursing home construction projections using 40,000 square foot category with face brick with concrete block back-up and steel joists. The Means New Construction Cost Per Square Foot will be adjusted where necessary to ensure an increase of at least a three percent from the previous year but no more than a

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- seven percent increase.
- 8) "Square Feet Per Bed" is defined as 316 square feet per bed. This was the average for existing long term care facilities in Illinois.
- 9) "Location". The long term care facilities will be separated into one of the following areas:
 Northeast area - HSAs 6, 7, 8, 9
 Downstate area - HSAs 1, 2, 3, 4, 5, 10, 11
- 10) "Uniform Building Value" is calculated using the following steps:
 A) The Means New Construction Cost Per Square Foot is multiplied by 316 square feet per bed to obtain a preliminary cost per bed. For example, \$68.65 cost per square foot times 316 equals a \$21,693 preliminary cost per bed.
- B) The preliminary cost per bed is multiplied by an adjustment factor to obtain the revised cost per bed for new construction. The adjustment factor is 1.30 for the northeast area and 1.19 for the downstate area. For example, a \$21,693 preliminary cost per bed times the 1.30 factor equals a \$28,200 revised cost per bed for the northeast area.
- C) The revised cost per bed for new construction will be the uniform building value for any facility for which the base year is the same as the current year. The current year is the calendar year in which the rate year starts. The uniform building value for facilities with a base year which is older than the current year will have the revised cost per bed for new construction discounted by a three percent 3% obsolescence factor for each year between the base year and the current year. The uniform building value will be no lower than ten percent of the revised cost per bed for new construction. For example:

Base Year	Factor	Uniform Building Value
1991	100%	\$28,200
1990	97%	\$27,354
1989	94%	\$26,508
1988	91%	\$25,662
1987	88%	\$24,816
1986	85%	\$23,970
--		
1975	52%	\$14,664
--		
1960	10%	\$ 2,820

- 11) "Building Specific Historical Cost Per Bed" is the inflated original building base cost divided by the number of licensed

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- beds on the cost report used to calculate rates for the rate year. If licensed beds changed during the cost report period, the licensed beds on the last day of the cost report period will be used as the divisor. The original building base cost is inflated based upon the Means Bodge Construction Index and the base year.
- 12) The "ERVWC" factor relates to equipment, rent, vehicle and working capital cost. The ERVWC factor will be the greater of \$1.75 per diem or the amount from the following calculation based upon a sample of 50 percent % or more of all long term care facilities:
 A) Working Capital: Allowable support costs, nursing or program costs and administrative costs will be updated for inflation and be divided by capital days and multiplied by 60 days to yield two months of working capital investment on a per diem basis.
 B) The per diem investment in equipment and vehicle will be added to the working capital investment on a per diem basis (the vehicle investment is limited to fifty cents per diem). This total investment is multiplied by 9.13 percent %.
 C) The result of Step B is added to the per diem equipment rent cost to obtain an ERVWC base factor.
 c) Any items of fixed equipment which are no longer in use or are not providing significant value for inpatient long term care purposes must not be reported on the cost report fixed asset schedules for land, buildings, equipment and vehicle. For example, portions of a building not being used for nursing home operations must not be reported. Any assets which were removed from the cost report depreciation schedules prior to the 1986 cost report due to the asset being fully depreciated may not now be included in the building or equipment basis. Also, if a vehicle is used partially for personal purposes or purposes other than operation of the nursing home then this portion of the cost must not be included in the vehicle cost section of the cost report.
 d) No asset may be included in the building or equipment basis unless complete documentation for the cost and year of purchase or construction is maintained. This data must be maintained to facilitate efficient audit reviews by representatives of the Department.

(Source: Amended at 20 Ill. Reg. 6929, effective MAY 06 1996)

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- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Adopted Action:
147.205 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 6, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 6, 1996
- 9) Notice of Proposal Published in Illinois Register: December 22, 1995 (19 Ill. Reg. 16798)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The new language in Section 147.205(c) has been revised as follows:

An add-on of \$.10 per resident day will be paid for emergency dental services that are in compliance with federal regulations (42 CFR 483.55 (1994)), including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments provide for a reimbursement add-on of \$.10 per resident day for emergency dental services for Medicaid eligible residents of nursing facilities. Emergency dental services, as described in the amendments, are required in nursing

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facilities by federal regulations at 42 CFR 483.55. Companion amendments are being adopted at 89 Ill. Adm. Code 144.275 for Medicaid eligible residents of ICF/MR facilities.

The rate maintenance provisions for long term care facilities at 89 Ill. Adm. Code 153.100 have been amended to reflect the add-on for emergency dental services. A Notice of Public Information regarding these dental services provisions was published in the Illinois Register on November 27, 1995, at 19 Ill. Reg. 15854.

These reimbursement changes for nursing facilities are expected to increase Department expenditures by approximately \$2.2 million annually.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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steps:

- a) Calculation of the nursing rate: For each facility, the nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as specified in Section 147. Tables A and B for all assessment items.
- b) Calculation of the final nursing rate: for each facility, a final nursing rate will be equal to the sum of the nursing rate (see subsection (a) above) plus an add on for Care Planning equal to \$.35 ~~thirty-five cents~~ per resident day, statewide. Effective July 1, 1992 and ending August 31, 1993, there will be an additional wage adjuster add-on of \$1.58 per resident day for HSAs that have wages equal to or above the Statewide average and \$2.00 per resident day for HSAs that have wages below the Statewide average. Effective September 1, 1993, the wage adjuster add-on will be eliminated.
- c) An add-on of \$.10 per resident day will be paid for emergency dental services that are in compliance with federal regulations (42 CFR 483.55 (1994)), including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

(Source: Amended at 20 Ill. Reg. 6953, effective
MAY 06 1996)

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- 1) Heading of the Part: Laboratory Service Fees
- 2) Code Citation: 77 Ill. Adm. Code 475
- 3) Section Numbers:

475.10	Amendment	Adopted Action:
475.15	New Section	
475.20	Amendment	
475.25	New Section	
475.30	Amendment	
475.40	Amendment	
475.50	Amendment	
- 4) Statutory Authority: Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.09].
- 5) Effective Date of Amendments: May 5, 1996
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: May 5, 1996
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 19 Ill. Reg. 6284 - May 5, 1995

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version:

In Section 475.10 the definition of person has been revised to read as follows:

"Person" means:

the State, its agencies and departments, and officers and employees thereof;

any local health department or school district, and officers and employees thereof;

any entity served by a non-community public water supply, and officers and employees thereof; and

any grantee or contractor of the Department that agrees to provide services to the Department or on behalf of the Department, and

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officers and employees of such a grantee or contractor.

A new Section 475.15 "Applicability" has been added:

- a) This Part is applicable only to diagnostic laboratory tests listed in Section 475.25, Fee Schedule. This Part does not apply to reference laboratory tests performed free-of-charge by the Department, or to other laboratory analyses historically performed free-of-charge for either the Department or local health departments.
- b) This Part is not applicable to the Department's laboratory screening of newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" (77 Ill. Adm. Code 661) or screening of children for elevated blood lead levels under the "Lead Poisoning Prevention Code" (77 Ill. Adm. Code 845). The fees established in this Part are in addition to other Laboratory fees established under separate statutory authority for two specific purposes: screening newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" (77 Ill. Adm. Code 661); and screening children for elevated blood lead levels under the "Lead Poisoning Prevention Code" (77 Ill. Adm. Code 845).

In Section 475.25 "Fee Schedule" the introductory paragraph has been revised to read as follows:

The Department has established fees for those diagnostic Laboratory services listed in subsection (b) of this Section.

In Section 475.25(b) "any Laboratory marketing sales cost;" has been added as a component of actual costs of performing laboratory services.

In Section 475.25(b)(1) the following methods have been added after "fees for the analysis of drinking water":

For the detection of total coliforms and Escherichia coli (presence/absence), by a Chromogenic Substrate Coliform Test, following "Standard Methods for the Examination of Water and Wastewater (18th Edition, American Public Health Association, 1990)"

For the detection of nitrate/nitrite levels, by USEPA method 353.2

For the combined detection of coliforms and nitrates/nitrites using the methods cited in this subsection (b)(1)

\$7.00 per sample

\$6.00 per sample

\$12.00 per sample

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In Section 475.25(b)(2) after "Inorganics (Metals)" the following methods have been added: ", by USEPA method 200.9, following "Methods for Determination of Metals in Environmental Samples - Supplement I", EPA-600/R-94-111, May 1994" after "(Metals)".

In Section 475.25(b)(2) Barium, Mercury, and Selenium and the fees for these metals have been deleted from the list of metals for which testing will be offered.

In Section 475.25(b)(2) after herbicides the following method has been added: ", by USEPA method 515.1, following "Methods for the Determination of Organic Compounds in Drinking Water", EPA-600/4-88-039, as Revised July 1991". Also change the fee for analysis for herbicides from "\$48.00" to "\$117.00".

In Section 475.25(b)(2) after pesticides the following has been added: by USEPA method 508, following "Methods for the Determination of Organic Compounds in Drinking Water", EPA-600/4-88-039, as Revised July 1991" after "organophosphates)". Also, change the fee for analysis for pesticides from "\$47.00" to "\$81.00".

In Section 475.25(b)(2) after Volatile Organic Compounds the following has been added: ", by USEPA method 524.2, following "Methods for the Determination of Organic Compounds in Drinking Water-Supplement II", EPA-600/R-92-129, August 1992" after "Compounds". Also, change the fee for analysis for Volatile Organic Compounds from "\$116.00" to "\$146.00"

In Section 475.25(e) "any person" has been deleted from the first line and insert in its place "any governmental unit (contained within the definition of person)".

In addition, various editorial and technical changes recommended by the Joint Committee on Administrative Rules have been made.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rulemaking: These amendments will allow the Department to offer additional public health laboratory services to local health departments, school districts and small businesses served by non-transient non-community public water supplies, family planning clinics, physicians, and other health care providers for the cost of

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providing the services. The amendments establish fees for several Department laboratory services, including analyses of drinking water for coliforms, nitrates, inorganics (metals), herbicides, pesticides, volatile organic compounds, and hydrocarbon scans; analyses of blood specimens for HIV antibodies, CD4 lymphocytes, and sexually-transmitted diseases; pap smear analysis; prenatal screening for hepatitis, HIV, rubella and syphilis; and Alpha-fetoprotein screening. Some of these laboratory services are currently available on a limited basis, while others are currently unavailable.

To minimize any adverse impact on current Department laboratory users, the amendments specify numerous exemptions from the new fees or circumstances under which the fees will be waived. In one case, new laboratory services required by the U.S. Environmental Protection Agency will be made available free-of-charge to Illinois schools. In another case, an existing fee for forensic toxicologic analysis will be eliminated, because this analysis is no longer the Department's responsibility.

Lastly, information has been added to the rules regarding the submission of samples or specimens to the Department's laboratory, Department fee assessments, and information concerning the payment of fees to the Department.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be directed to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

The full text of the Adopted Amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 475

ASSESSING LABORATORY SERVICE FEES FOR TOXICOLOGIC ANALYSIS

Section	Definitions
475.10	Applicability
475.15	Submission of Samples or Specimens
475.20	Fee Schedule
475.25	Statement of Fee Assessment
475.30	Payment of Fees
475.40	Failure of Payment
475.50	

AUTHORITY: Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.09].

SOURCE: Adopted and codified at 7 Ill. Reg. 1988, effective January 27, 1983; emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days; emergency expired on March 10, 1995; amended at 20 Ill. Reg. 6953, effective MAY 06 1996.

Section 475.10 Definitions

As used in this Part, the terms specified below shall have the meanings ascribed to them in this Part.

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Laboratory" means the Division of Laboratories of the Illinois Department of Public Health, including its Chicago, Springfield and Carbondale Laboratories, and any other site designated by contract to perform Department laboratory services.

"Non-Community Public Water Supply" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year. Water vending machines are considered non-community public water supplies.

"Non-Transient Non-Community Public Water Supply" means a non-community public water supply that regularly serves the same 25 or more persons at least 6 months per year.

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"Person" means:

the State, its agencies and departments, and officers and employees thereof;
any local health department or school district, and officers and employees thereof;
any entity served by a non-community public water supply, and officers and employees thereof;

any grantee or contractor of the Department that agrees to provide services to the Department or on behalf of the Department, and officers and employees of such a grantee or contractor "person" means the United States and political subdivisions, officers and employees thereof, any political subdivisions, officers and employees thereof, any municipal corporation, association, partnership, firm, corporation, individual, or other entity.

(Source: Amended at 20 Ill. Reg. 6953, effective MAY 06 1996)

Section 475.15 Applicability

- This Part is applicable only to diagnostic laboratory tests listed in Section 475.25, Fee Schedule. This Part does not apply to reference laboratory tests performed free-of-charge by the Department, or to other laboratory analyses historically performed free-of-charge for either the Department or local health departments.
- This Part is not applicable to the Department's laboratory screening of newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" (77 Ill. Adm. Code 661) or screening of children for elevated blood lead levels under the "Lead Poisoning Prevention Code" (77 Ill. Adm. Code 845). The fees established in this Part are in addition to other laboratory fees established under separate statutory authority for two specific purposes: screening newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" (77 Ill. Adm. Code 661); and screening children for elevated blood lead levels under the "Lead Poisoning Prevention Code" (77 Ill. Adm. Code 845).

(Source: Added at 20 Ill. Reg. 6953, effective MAY 06 1996)

Section 475.20 Submission of Samples or Specimens

Each sample or specimen submitted to the Laboratory for any analysis must be

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delivered or shipped in a container and manner to preserve the sample/specimen from contamination or destruction and allow it to reach the Laboratory in a condition that permits a reliable laboratory analysis.

- It is the responsibility of the person submitting the sample/specimen to deliver it to the Laboratory or to send it in a package approved by the U.S. Postal Service, or another commercial carrier to be used, for such shipping. Any sample/specimen that is submitted in a package that violates the U.S. Postal Service's guidelines (or another commercial carrier's guidelines if an alternative carrier is used), is damaged in transit, is not received within the prescribed time frame for analysis, or is otherwise received in a condition that does not permit a reliable laboratory analysis, will be discarded. When this occurs, the laboratory result will be reported as indeterminate or unsatisfactory and the submitter will be notified so that another sample/specimen can be collected and submitted for analysis.
- For those laboratory services offered, the Laboratory shall provide, upon request, sample/specimen collection materials or devices and mailing containers that meet the U.S. Postal Service regulations.
- Prior to delivering or shipping any sample/specimen to the Laboratory, it is the responsibility of the person submitting the sample/specimen to confirm the availability of the desired laboratory service/analysis; to identify which Laboratory site(s) (e.g., Chicago, Springfield, Carbondale or a contract laboratory site) perform the desired service/analysis; and to determine to which site the sample/specimen should be submitted. Sample/specimens shall be delivered or sent only to a specific Laboratory site designated as performing the requested laboratory service or to an alternative site agreed to in advance.
- It is the responsibility of the person submitting the sample/specimen to pay for the postage or transport fee of the package unless alternative arrangements are made with the Laboratory in advance of mailing or shipping a sample/specimen to the Laboratory.

Each person who submits to the Department any sample for toxicologic analysis for the detection of and/or quantitation of drugs, poisons or chemicals--shall pay a flat fee of \$125.00 for such analysis unless:

- Such sample is submitted for analysis by a law enforcement agency pursuant to Ill. Rev. Stat. 19817-Ch. 95-1/27-Par. 11-501.27
- Such sample is submitted for analysis by a coroner pursuant to Ill. Rev. Stat. 19817-Ch. 95-1/27-Par. 10-10-1 "in cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older"
- Such sample is submitted for analysis for chemicals found in environmental sources or tested in support of programs designed to evaluate environmental sources--the standards and criteria--for exception--of samples--will include the purpose of collection and the environmental origin of the samples submitted--such as water--soil

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air-food, etc.

d) Such sample is submitted for analysis by any other state agency.

(Source: Amended at 20 Ill. Reg. 6953, effective

MAY 06 1996)

Section 475.25 Fee Schedule

The Department has established fees for those diagnostic laboratory services listed in subsection (b) of this Section.

a) The Laboratory's service fees, itemized in subsection (b) of this Section, shall not exceed the Department's actual costs to provide the Laboratory's services, and shall consider the current fees charged by private laboratories for comparable services. The Department's actual costs to perform the Laboratory's services shall include the costs of Laboratory personnel, materials and equipment; the Laboratory's data processing, quality control and support costs (e.g., facility-related costs, postage, telephones, supervision, etc.); any Laboratory marketing sales cost; and other Department costs outside the Laboratory but necessary to support the Laboratory's services (e.g., personnel and financial management costs). The Laboratory's actual costs per unit of service are integrally dependent upon the current technology used to perform laboratory analyses, the test volumes for each laboratory service, and the unit cost of the materials or chemicals/reagents. Because these actual costs per unit of service are subject to change, every effort will be made to review and update the Laboratory's fees on a regular (e.g., biennial) basis.

b) Each person who submits to the Laboratory any sample or specimen for any of the following laboratory analyses shall pay the indicated fee:

1) Except as provided in subsections (b)(1)(A) and (B) of this Section (in which case the service is free), the fees for the analysis of drinking water are:

For the detection of total coliforms and *Escherichia coli* (presence/absence), by a Chromogenic Substrate Coliform Test, following "Standard Methods for the Examination of Water and Wastewater, 19th Edition", published by the American Public Health Association, American Water Works Association, and Water Environment Federation, 1015 Fifteenth Street, Washington, D.C. 20005 (1995)

\$7.00 per sample

For the detection of nitrate/nitrite levels, by USEPA Method 353.2, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S.

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Environmental Protection Agency, Cincinnati, Ohio 45268 (August 1993)

\$6.00 per sample

For the combined detection of coliform and nitrate/nitrites, the methods cited in this subsection (b)(1)

\$12.00 per sample

A) unless the sample is submitted for a non-community public water supply; or

B) unless the sample is submitted by a local health department that has entered into a potable water program agreement with the Department or submitted by a Department employee on behalf of a resident of a jurisdiction without any local health department, and under at least one of the following circumstances:

i) for a new water well that has been inspected by the local health department or Department employee;

ii) for a water well serving an infant under six months of age; or

iii) in support of an investigation of a suspected waterborne illness.

2) For samples submitted by a public or private Illinois school served by an active non-transient non-community public water supply the services shall be free of charge. For samples submitted by any other entity served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals the fees for the chemical analysis of drinking water for the following contaminants are:

Inorganics (Metals), by USEPA Method 200.9, following "Methods for Determination of Metals in Environmental Samples - Supplement I", EPA-600/R-94-111, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (May 1994)

Cadmium

Chromium

Copper

Lead

\$6.00 per sample

\$6.00 per sample

\$5.50 per sample

\$5.50 per sample

Herbicides, by USEPA Method 515.1, following "Methods for the Determination of Organic Compounds in Drinking Water",

EPA-600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental

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Protection Agency, Cincinnati, Ohio 45268
(July 1991)

Pesticides (chlorinated hydrocarbons and organophosphates), by USEPA Method 508, following "Methods for the Determination of Organic Compounds in Drinking Water".
EPA-600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268
(July 1991)

Volatile Organic Compounds, by USEPA Method 524.2, following "Methods for the Determination of Organic Compounds in Drinking Water - Supplement II".
EPA-600/R-92-129, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268
(August 1992)

For laboratory services specified in this subsection, the Department will only accept samples from entities served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals, except for public or private Illinois schools.

- 3) Unless the specimen is submitted by a Department-funded HIV counseling and testing site or unless such analysis is requested as part of an HIV seroprevalence study that is funded or approved by the Department (in which case the service is free), the fees for analyses of a blood specimen are:

For the presence of Human Immunodeficiency Virus (HIV) antibodies, using an enzyme-linked immunosorbent assay (ELISA) test with confirmatory Western blot test (if necessary)

\$8.00 per specimen

For the enumeration of CD4 lymphocytes using flow cytometry technology

\$91.00 per specimen

- 4) Unless the sample/specimen is submitted by a health care provider (including local health department clinics) designated annually by the Department's Division of Infectious Diseases as serving a population with a high incidence of sexually-transmitted diseases

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and exempt from the following laboratory fees (in which case the service is free), the fees for analysis for the presence of the following sexually-transmitted diseases are:

Chlamydia trachomatis and Neisseria gonorrhea, same swab (GenProbe)

\$12.50 per specimen

Syphilis serology (RPR and FTA)

\$6.50 per specimen

- 5) Except for samples/specimens submitted by the Chicago Department of Public Health (in which case the service is free), the fee for pap smear analysis (cytology) shall be:

\$11.50 per specimen

- 6) The fees for the following services are:

Hydrocarbons (volatile and extractable) for drinking water, by USEPA SW846 Method 8000A, following "Test Methods for Evaluating Solid Waste - Physical/Chemical Methods (SW846), Revised Update II", published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (September 1994)

\$349.00 per sample

Prenatal screening panel, which includes testing for Hepatitis, HIV, Rubella and Syphilis

\$31.00 per patient

Alpha-fetoprotein screening

\$21.00 per specimen

- c) The Director may reduce any of the fees listed in subsection (b) of this Section, pursuant to a written agreement, executed prior to the submission of the sample/specimen, between the Department and the person to be submitting the sample/specimen. Examples of instances when reduced service fees may be considered include, but are not limited to, when the samples/specimens from, or test volumes for, one submitter will be very large; when a large one-time advance payment for all services is desired; and where the Department is participating in a special study requiring laboratory analysis.

- d) The Director may waive any of the standard laboratory fees prescribed in subsection (b) of this Section when the sample/specimen is submitted by Department staff (to support Department programs or services), another State agency, or any unit of local government, provided the fee waiver is requested in writing and approved by the

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Director in writing prior to submission of the sample/specimen.

- e) The Director may enter into a written agreement with any governmental unit (contained within the definition of person) to provide additional laboratory services beyond those listed in this Part. Such agreement shall specify any conditions established for the submission of samples/specimens and the fees for such services.

(Source: Added at 20 Ill. Reg. 6953, effective
MAY 06 1996)

Section 475.30 Statement of Fee Assessment

- a) Fees for laboratory analyses shall be paid prior to services being provided, unless prior arrangements are made with the Department to bill the person submitting the sample/specimen.

- b) For persons with approval from the Department to submit samples/specimens without advance or accompanying payment, statements of fee assessment shall be mailed or otherwise delivered to persons submitting samples for analysis monthly or quarterly as determined by the Director, depending on the number of samples or other circumstances unique to the testing.

- c) Receipt of statements of fee assessment shall be presumed.

(Source: Amended at 20 Ill. Reg. 6953, effective
MAY 06 1996)

Section 475.40 Payment of Fees

- a) Persons submitting samples for analysis (General--Unknowns) shall either pay for the service in advance or submit the necessary fee with the sample/specimen, unless the submitter is a local health department or arrangements have been made with the Department to bill the submitter for the services.

- b) For local health departments and other persons that are approved to submit samples/specimens without advance or accompanying payment, the submitter shall render payment of fees assessed upon receipt of a statement of fee assessment. Receipt of statements of fee assessment shall be presumed.

(Source: Amended at 20 Ill. Reg. 6953, effective
MAY 06 1996)

Section 475.50 Failure of Payment

- a) Unless prior arrangements have been made with the Department to bill the submitter for laboratory services rendered, the Laboratory may refuse to accept or may discard any sample/specimen that is not accompanied by the required service fee.

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- b) For local health departments and other persons approved to submit samples/specimens without advance or accompanying payment, failure of full payment within two ~~three~~ months of assessment shall be grounds for the Department to refuse future samples/specimens from persons-in-arrears.

- c) The fee for a dishonored negotiable instrument including, but not limited to, returned checks or insufficient payment shall be \$10.00.

(Source: Amended at 20 Ill. Reg. 6953, effective
MAY 06 1996)

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1) Heading of the Part: Swimming Pool and Bathing Beach Code2) Code Citation: 77 Ill. Adm. Code 8203) Section Numbers: Adopted Action:

820.500 Amendment

4) Statutory Authority: Swimming Pool and Bathing Beach Act; 210 ILCS 125.5) Effective Date of Amendments: May 25, 19966) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporation by Reference? No8) Date Filed in Agency's Principal Office: May 25, 19969) Date Notice of Proposed Amendments was Published in the Illinois Register: 20 Ill. Reg. 1164 - January 19, 199610) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No11) Difference Between Proposal and Final Version:

Section 820.500(e)(2)(A) and (B) has been revised to read as follows:

2) During operation, the following bacteriologic water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

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Section 820.500(h) has been revised to read as follows:

h) The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

The first sentence of the regulation poster for beaches will read as follows:

The following rules govern the use of the beach and shall be enforced by the beach manager/operator.

In addition, various editorial and technical changes recommended by the Joint Committee on Administrative Rules have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking makes several changes related to the construction and operation of bathing beaches. These include the following:

1. New beaches will not be allowed to be constructed where potential or actual sources of contamination in the water shed which could affect the beach are present.

2. Sampling criteria for total coliform have been deleted and parameters for fecal coliform and E. coli have been added.

3. The designer of new beaches is required to specify a bather load which will determine the number of fixtures required in the bathhouse.

4. Minimum water depths in diving areas are specified.

5. Bathhouses at new beaches must be within 300 feet from the beach unless the beach serves a residential area for 50 people or less, in which case only toilets need to be located within 300 feet from the beach.

6. Existing beaches will need to provide a toilet or privy for each

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sex within 300 feet from the beach.

7. A beach manager/operator will be responsible for the operation of the beach. A regulation poster is required to be posted at the beach to notify swimmers of beach regulations.
8. The bacteriologic water quality results for which a beach may be closed are specified in the rules.
9. A maximum bather density of one bather per 25 square feet is required for new beaches.
10. Requirements are proposed for dealing with schistosome dermatitis situations.
11. Garbage containers are required on the beach.
12. Swimming is prohibited after sunset and when lightening is present.
13. A ring buoy, first aid kit and a telephone are required for safety purposes.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820

ILLINOIS

SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section
820.10
820.20
Definitions
Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section
820.100
820.110
820.120
820.130
Permits
Water Supplies
Sewage Disposal
Food Service Sanitation

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section
820.200
820.210
820.220
820.230
820.240
820.250
820.260
General Design Requirements
Swimming Pool Water Treatment System
Swimming Pool Bather Preparation Facilities
Wading Pools
Spray Pools
Water Slides
New Equipment, Construction and Materials

SUBPART D: SWIMMING POOL OPERATIONAL REQUIREMENTS

Section
820.300
820.310
820.320
820.330
820.340
820.350
820.360
820.370
820.380
820.390
Personnel
Safety Equipment
Water Quality
Swimming Pool Closing
Operation and Maintenance
Operation Reports and Routine Sampling
Personal Regulations
Swimming Suits and Towels Furnished by Management
Wading Pools and Spray Pools
Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

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Section
820.500 Minimum Sanitary Requirements for Bathing Beaches

APPENDIX A Illustrations

- ILLUSTRATION A Slope of Pool Bottom
- ILLUSTRATION B Pool Walls
- ILLUSTRATION C General Pool Diving Area Dimensions
- ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height
- ILLUSTRATION E Slide Dimensions
- ILLUSTRATION F Slide Position
- ILLUSTRATION G Flow Meter Installation
- ILLUSTRATION H Skimmer Construction
- ILLUSTRATION I Installation of a Pressure Sand Filter System
- ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System
- ILLUSTRATION K Installation of a Vacuum Filter System
- ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
- ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure
- ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

APPENDIX B Tables

- TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
- TABLE B First Aid Kit Contents
- TABLE C Flows Carried by Inlets
- TABLE D Sizing Swimming Pool Chlorinators
- TABLE E Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective MAY 25 1996.

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section 820.500 Minimum Sanitary Requirements for Bathing Beaches

- a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical,

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chemical, and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the water shed which could affect the beach. The presence of any such sources of contamination shall constitute grounds to deny the permit. ~~and the water shed.~~

- 1) Physical Quality. The following characteristics shall not be present in the beach area or water shed:
 - A) Sludge deposits, solid refuse, floating waste solids, oils, grease or and scum.
 - B) Hazardous substances being discharged into bathing beach water or water shed.
- 2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:
 - A) At least two samples shall be collected from the proposed beach area and additional samples shall be collected from ~~any tributaries as they enter the lake. Coliform bacteria counts of 17000-per-100-ml-or-fecal fecal coliform bacteria counts of 200 colonies/100 ml or an E. coli density of 126 colonies/100 ml in one or more coliform bacteria counts--of 100-per-100ml--in--any--two samples shall be considered sufficient--grounds--to require additional investigation, survey, special analyses and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before a construction permit will be issued.~~
 - B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate water shed.
- 3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

b) Design

- 1) Bather Load. The bather load shall be established at all beaches constructed after June 1, 1996, by the registered engineer or architect who designed the project.
- 2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 12 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming areas shall consist of sand or gravel. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.
- 3) ~~27~~ Diving Facilities Boards.
 - A) Where diving facilities are provided, the design and layout of ~~the facilities and associated depths shall be in accordance with Section 820.200(a) of the water surrounding~~

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any floats where diving is permitted shall be at least 9-1/2 feet deep following minimum water depth must be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

Height of Platform or Board Above Water	Minimum Water Depth
0 - 1/2 Meter	9.5 feet
1 Meter	10 feet
3 Meters	12 feet

B) Handrails, guardrails and steps shall comply with the requirements of Section 820.200(c)(1).

4) 3) Safety Boundaries Requirements. The wading and swimming areas at beaches where the water is less than 5 feet deep shall be separated from swimming and diving areas by lines securely anchored and buoyed. The safe limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of the swimming area safe bathing.

5) Water Slides and Sliding Boards. Water slides shall comply with Section 820.250 and sliding boards shall comply with Section 820.200(p).

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bathhouses Bather Preparation Facilities

1) For all new beaches established after June 1, 1996, General Bather Preparation Facilities a bathhouse shall be provided on the premises of the facility within 300 feet of the shoreline unless: A) the beach is intended to serve only a residential development located around the lake, and a maximum of 50 persons is anticipated to be present at any time anytime or in such cases, at least one toilet or privy shall be provided for each sex within 300 feet of the shoreline.

2) Bathhouses. Bathhouses shall be designed in accordance with the requirements of Section 820.220(b), (c), (d), (e) and (f). The bather load to be used to determine the required numbers of fixtures shall be provided by the registered engineer or architect who designed the project. The bathhouse shall be kept clean and free of dirt and debris at all times.

3) All beaches established before June 1, 1996 shall comply with the bathhouse/toilet facility requirements in effect at the time they were constructed, but as a minimum shall provide at least one toilet or privy for each sex within 300 feet of the shoreline.

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e) Bathing Beach Operation

1) Sampling. Samples of bathing beach water shall be taken by the applicant or manager/operator licensee and submitted to the Department at such times and points as designated by the Department within the area utilized for bathing or swimming purposes. Additional samples shall also be also obtained at any critical point subject to possible pollution as determined by a sanitary survey.

2) During operation, the following bacteriological water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml. Water Quality. Bathing operation. The facility shall comply with the water quality requirements of Section 820.500(a)(2)(A) in addition to these requirements. A coliform bacteria count of over 5000 per 100 ml or a fecal coliform count over 500 per 100 ml in any two consecutive samples shall constitute sufficient grounds to require closing of the beach.

3) Survey. If a sanitary survey determines that the facility is not in compliance with the physical, chemical and bacteriological requirements of Section 820.500(a)(2) or that there are discharges of sanitary or combined sewers or of other raw or partially treated sewage to the beach or immediate water shed, the bathing beach shall be closed by written order of the Department.

4) Where schistosoma dermatitis (swimmers' itch) is known to exist, appropriate measures shall be taken to protect the bathers. Such measures may include posting of warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all federal, State or local requirements, including prior approval of the Department or its agent(s).

5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any such facilities which

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do not comply with the minimum water depth requirements of Section 820.500(b)(3).

- 6) For all beaches established after June 1, 1996, the beach manager/operator shall enforce the bather load established in Section 820.500(b)(1). Additionally, for all beaches, the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

- 7) No swimming shall be permitted after sunset or when lightning is present.

- 8) No pets shall be permitted in the beach area.

- 9) Feeding of wildlife or other actions which encourage their presence is prohibited.

- 10) The beach area shall be kept free of any debris, including wastes from waterfowl or other wildlife.

- 11) Leakproof, covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied at least twice per week and more often if necessary to avoid odors and insect breeding.

- f) Lifeguards. Lifeguards shall be provided at bathing beaches which allow bathers 16 years of age or under to enter the beach without a responsible person 17 years of age or older present, except when the parent or guardian of each person under 17 years of age submits written permission to the beach owner or manager/operator allowing such individuals under 17 years of age to enter the beach area or swim without a lifeguard or responsible person 17 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

- †† Where lifeguards are not provided, a sign must be posted which states "No person may enter the beach water alone or swim alone."
- 2) Lifeguards shall comply with the requirements of Section 820.300(b).

g) Safety Requirements

- 1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach.

- 2) A first aid kit containing the items described in Appendix B shall be available at the beach.

- 3) A telephone shall be available within 500 feet of the beach. The numbers of the local police, fire department, rescue squad and ambulance, and/or 911 numbers shall be posted near the telephone.

- 4) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours and the Department's "Drowning and Injury Report" form shall be completed and submitted within 7 days.

- h) The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

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REGULATIONS - BEACHES

The following rules govern the use of the beach and shall be enforced by the beach manager/operator.

- 1) The beach water is not suitable for drinking. Avoid swallowing beach water.

- 2) Admission to the beach may be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind may also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.
- 3) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.

- 4) All infants shall wear tight fitting rubber or plastic pants.

- 5) No one should swim alone.

- 6) Persons under the age of 17 must be accompanied by a responsible person 17 years of age or older unless a lifeguard is present.

- 7) Personal conduct within the beach must be such that safety is not jeopardized.

- 8) Diving in shallow water is not permitted.

- 9) Caution shall be exercised in the use of diving facilities.

(Source: Amended at 20 Ill. Reg. 6971, effective MAY 25 1996)

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
100.9020 New Section
- 4) Statutory Authority: 20 ILCS 2505/39b52
- 5) Effective Date of Amendment(s): May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 7, 1996
- 9) Notice of Proposal Published in Illinois Register: January 26, 1996, 20 Ill. Reg. 1489
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
Yes
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
100.9710	New Section	9/15/95, 19 Ill. Reg. 12966
100.9505	New Section	4/26/96, 20 Ill. Reg. 6004
15) <u>Summary and Purpose of Amendment(s):</u> P.A. 89-6 provides that effective January 1, 1996, the Department of Revenue has been given the responsibility of collecting certain child support arrearages certified to the Department of Revenue by the Illinois Department of Public Aid. Since the adoption of P.A. 89-6, the Department of Revenue has worked closely with the Department of Public Aid to develop the necessary procedures and standards for implementation of this program. The General Assembly recognized the degree of coordination and the amount of time necessary to effect that coordination. As a result, in Section 15 of P.A. 89-6 new		

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Section 39b52 of the Civil Administrative Code of Illinois provides that the Department has the authority to implement the child support collection program through the use of emergency rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, IL 62708
(217) 782-7055

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000 100.2050	Introduction Net Income (IITA Section 202)
SUBPART B: CREDITS	
Section 100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2150	Training Expense Credit (IITA 201(j))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2160	Research and Development Credit (IITA 201(k))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section 100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary

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Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section 100.2300	Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
100.2310	Computation of the Illinois Net Loss Deduction
100.2320	Determination of the Amount of Illinois Net Loss Carryovers
100.2330	Illinois Net Loss Carrybacks and Net Loss Carryovers
100.2340	Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350	Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
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SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers
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SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity
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SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
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100.3000 Terms Used in Article 3 (IITA Section 301)
 100.3010 Business and Nonbusiness Income (IITA Section 301)
 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
 100.3100 Compensation (IITA Section 302)
 100.3110 State (IITA Section 302)
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SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

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 100.3200 Taxability in Other State (IITA Section 303)
 100.3210 Commercial Domicile (IITA Section 303)
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
 100.3350 Property Factor (IITA Section 304)
 100.3360 Payroll Factor (IITA Section 304)
 100.3370 Sales Factor (IITA Section 304)
 100.3380 Special Rules (IITA Section 304)
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
 100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

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SUBPART O: COMPOSITE RETURNS

Section
 100.5100 Composite Returns: Eligibility
 100.5110 Composite Returns: Responsibilities of Authorized Agent
 100.5120 Composite Returns: Individual Liability
 100.5130 Composite Returns: Required forms and computation of Income
 100.5140 Composite Returns: Estimated Payments
 100.5150 Composite Returns: Tax, Penalties and Interest
 100.5160 Composite Returns: Credit for Resident Individuals
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
 100.5200 Election to File a Combined Return
 100.5210 Procedure for Making the Election
 100.5220 Designated Agent for the Members
 100.5230 Combined Estimated Tax Payments
 100.5240 Claims for Credit of Overpayments
 100.5250 Liability for Combined Tax, Penalty and Interest
 100.5260 Combined Amended Returns
 100.5270 Computation of Combined Income and Tax
 100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
 100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
 100.7100 Withholding Exemption (IITA Section 702)
 100.7110 Withholding Exemption Certificate (IITA Section 702)
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

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SUBPART S: INFORMATION STATEMENT

Section

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)

100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)

100.7320 Time for Filing Returns (IITA Section 704)

100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)

100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)

100.9010 Collection Authority (IITA Section 901)

100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)

100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 903)

100.9320 Limitations on Notices of Deficiency (IITA Section 905)

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)

100.9410 Limitations on Claims for Refund (IITA Section 911)

100.9420 Recovery of Erroneous Refund (IITA Section 912)

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SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)

100.9510 Taxpayer Representation and Practice Requirements

100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

APPENDIX A

Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 10 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988;

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amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective MAY 09 1996.

SUPPORT U: COLLECTION AUTHORITY

Section 100.9020 Child Support Collection (IITA Section 901)

a) Effective January 1, 1996, the Department of Revenue has been given the statutory responsibility of collecting certain child support arrearages.

b) Upon certification of past due child support amounts from the Department of Public Aid, the Department of Revenue may collect the delinquency in any manner authorized for the collection of a delinquent personal income tax liability. [20 ILCS 2505/39b52]

1) The Department of Revenue will begin collection efforts with respect to child support arrearages only after the arrearages are certified to the Department of Revenue by the Department of Public Aid.

A) Child support arrearages certified to the Department of Revenue for collection are final arrearages. In other words, referrals will not be made to the Department of Revenue until the non-custodial parent has been afforded an opportunity to contest the amount of the arrearage through administrative and judicial means. The non-custodial parent who owes the arrearage has no right of hearing before the Department of Revenue.

B) The Department of Revenue lacks the statutory authority to begin collection activities on its own initiative with respect to a child support arrearage that has not been certified to the Department of Revenue by the Department of Public Aid.

C) The Department of Revenue has no authority to accept

DEPARTMENT OF REVENUE

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referrals for collection of past due child support from the public, from the courts, or from any other agency of local, state, or federal government other than the Department of Public Aid.

2) Once a child support arrearage has been certified to the Department of Revenue, the Department of Revenue will use all collection methods authorized by the Illinois Income Tax Act, Article 11 of the Act [35 ILCS 5/Art. 11] sets forth various collection activities that will be utilized by the Department of Revenue.

c) The Department of Revenue shall notify the Department of Public Aid when the delinquency or any portion of the delinquency has been collected. Any child support delinquency collected by the Department of Revenue, including those amounts that result in overpayment of a child support delinquency, shall be deposited in, or transferred to, the Child Support Enforcement Trust Fund. [20 ILCS 2502/39b52]

1) The Department of Revenue is responsible only for collection of child support arrearages certified by the Department of Public Aid. Any distribution of funds that are collected and deposited in the Child Support Enforcement Trust Fund is the responsibility of the Department of Public Aid.

2) Questions concerning the allocation of child support amounts that are collected by the Department of Revenue (for example, between arrearages and current support, or between custodial parent and the Department of Public Aid) must be directed to the Department of Public Aid.

(Source: Added at 20 Ill. Reg. 6981 effective MAY 09 1996)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Adopted Action:

130.501 Amendment
 130.502 Amendment
 130.510 Amendment
 130.535 Amendment
 130.540 Amendment

4) Statutory Authority: 35 ILCS 1205) Effective Date of Amendment(s): May 7, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: May 7, 19969) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 1648310) Has JCAR issued a Statement of Objections to these Amendments? No11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? No14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.310	Amendment	3/29/96, 20 Ill. Reg. 5047
130.1952	New Section	4/12/96, 20 Ill. Reg. 5470
130.1501	Amendment	4/19/96, 20 Ill. Reg. 5774

15) Summary and Purpose of Amendment(s): Between the time this Part was originally drafted and the time this Part was proposed, P.A. 87-14 amended the Retailers' Occupation Tax Act in a number of respects. This rulemaking amends Sections 130.501(a), 130.502(a), 130.510, 130.535 and 130.540(c) to conform the quote of statutory language to

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the exact language of the Retailers' Occupation Tax Act.

Also, this rulemaking implements various provisions of Public Act 89-379. Specifically, it amends Section 130.501 of the Department's regulations governing monthly tax returns by stating that returns must be signed, and that if a taxpayer fails to sign a return within 30 days after notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed. It also amends Section 130.535 to state that beginning January 1, 1996, quarter monthly filers must pay an amount equal to either 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. Between January 1, 1989 and January 1, 1996, such taxpayer also has the option (in addition to the payments described above) to pay an amount equal to 100% of the taxpayer's actual liability for the quarter-monthly reporting period. The rulemaking also makes other technical requirements governing credits available to quarter-monthly filers.

16) Information and questions regarding this adopted amendment shall be directed to:

George Sorensen
 Associate Chief Counsel
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Non taxable Transactions

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
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SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.405	Cost of Doing Business Not Deductible
130.410	

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130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	Monthly Tax Returns--When Due--Contents
130.501	Quarterly Tax Returns
130.502	Returns and How to Prepare
130.505	Annual Tax Returns
130.510	First Return
130.515	Final Returns When Business is Discontinued
130.520	Who May Sign Returns
130.525	Returns Covering More Than One Location
130.530	Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	Preliminary Comments
130.601	Sales of Property Originating in Illinois
130.605	Sales of Property Originating in Other States
130.610	

SUBPART G: CERTIFICATE OF REGISTRATION

Section	General Information on Obtaining a Certificate of Registration
130.701	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.705	Procedure When Security Must be Forfeited
130.710	Sub-Certificates of Registration
130.715	Separate Registrations for Different Places of Business of Same
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Taxpayer Under Some Circumstances

130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section

130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section

130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

130.1301 When Lessee of Premises Must File Return for Leased Department

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130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

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Stamps and Like Articles
 Auctioneers and Agents
 Barbers and Beauty Shop Operators
 Blacksmiths
 Chiropodists, Osteopaths and Chiropractors
 Computer Software
 Construction Contractors and Real Estate Developers
 Co-operative Associations
 Dentists
 Enterprise Zones
 Farm Chemicals
 Finance Companies and Other Lending Agencies - Installment Contracts
 - Repossessions
 Florists and Nurserymen
 Hatcheries
 Operators of Games of Chance and Their Suppliers
 Optometrists and Opticians
 Pawnbrokers
 Peddlers, Hawkers and Itinerant Vendors
 Personalizing Tangible Personal Property
 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 Sales by Teacher-Sponsored Student Organizations
 Exemption Identification Numbers
 Sales by Nonprofit Service Enterprises
 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 Persons Who Repair or Otherwise Service Tangible Personal Property
 Physicians and Surgeons
 Picture-Framers
 Public Amusement Places
 Registered Pharmacists and Druggists
 Retailers of Clothing
 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 Sales and Gifts By Employers to Employees
 Sales by Governmental Bodies
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 Sales of Automobiles for Use in Demonstration
 Sales of Containers, Wrapping and Packing Materials and Related Products
 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 Sales to or by Banks, Savings and Loan Associations and Credit

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Unions
 Sales to Railroad Companies
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 Sellers of Feeds and Breeding Livestock
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 Sellers of Seeds and Fertilizer
 Sellers of Machinery, Tools and the Like
 Suppliers of Persons Engaged in Service Occupations and Professions
 Trading Stamps and Discount Coupons
 Undertakers and Funeral Directors
 Vending Machines
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 Vendors of Meals
 Vendors of Memorial Stones and Monuments
 Vendors of Signs
 Vendors of Steam
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 Veterinarians
 Warehousemen

130.2090
 130.2095
 130.2100
 130.2105
 130.2110
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ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

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effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective MAY 6 7 1996.

SUBPART E: RETURNS

Section 130.501 Monthly Tax Returns -- When Due -- Contents

- a) Except as provided in Section 130.502, 130.510 and 130.2045, on or before the twentieth ~~last~~ day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department for such preceding month, stating the name of the seller; his residence address and the address of his principal place of business, and the address of the principal place of business (if that is a different address) from which he engaged in the business of selling tangible personal property at retail in this State.

b) In addition, the return shall disclose the following:

- 1) Total Receipts for the Month from Sales of Tangible Personal Property and Services. Real estate builders and construction contractors, who are also retailers, and who assume the responsibility for accounting for the tax on building materials which they purchase, must include, in total receipts, not only their receipts from "over-the-counter" resales of such materials, but also their cost prices of such materials which they convert into real estate (see Section 130.2075 of this Part). This may be accomplished in the case of a construction contractor by including his receipts from construction contracts in total

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receipts and by deducting such receipts from total receipts only to the extent to which such receipts exceed the cost price to the contractor of the tangible personal property which he incorporates into real estate as a construction contractor.

2) Deductions Allowed by Law

The taxpayer should include in his total receipts, but should deduct before computing the amount of the tax:

- A) taxes collected from sales of the following:
- general merchandise retail sales,
 - general merchandise service sales,
 - food, drugs and medical appliances retail sales,
 - food, drugs and medical appliances service sales;
- B) receipts from sales of tangible personal property for purposes of resale in any form as tangible personal property (see Subparts B and N of this Part);
- C) receipts from sales which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- D) cash refunds for returned merchandise (see Section 130.401 of this Part);
- E) receipts from the sales of newspapers and magazines (see Section 130.2105 of this Part);
- F) State motor fuel taxes collected;
- G) the exempt percentage of the receipts from sales of gasoline (see Section 130.320 of this Part);
- H) receipts from sales of any kind to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age and older (see Section 130.2005 of this Part);
- I) receipts from sales of any kind to a governmental body (see Section 130.2080 of this Part);
- J) receipts from nontaxable sales of service;
- K) any other deduction allowed by law, such as receipts from isolated or occasional sales (see Subpart A of this Part);
- Federal taxes that are imposed at the level of the retail sale, but not Federal excise taxes on manufacturers, etc. (see Section 130.445 of this Part), etc.;
- L) total of all deductions allowed by law.
- 3) Total Receipts which are obtained by subtracting deductions from total receipts.
- 4) The Amount of Tax Due
- A) An allowance to reimburse the taxpayer for the expenses incurred in keeping records, preparing and filing returns,

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remitting the tax and supplying data to the Department on request. The minimum discount, over the entire period of any given calendar year, for any single taxpayer (if the taxpayer incurs that much tax liability) shall be \$5.00 for such calendar year. This allowance is available when the tax is remitted with a return that is filed when due under the Act, but is not available in any case in which the tax is paid late (with or without a return, and whether formally assessed by the Department or not); in the case of retailers who report and pay the tax on a transaction by transaction basis, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return;

B) Balance of Tax Due.

- i) The return should also show the amount of penalty (if any) that is due, the total of the tax and penalty due, and such other reasonable information as the Department may require.
- ii) If a total amount of less than \$1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to \$1 if it is 50 cents or more. Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents (Section 3 of the Act).

- iii) The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the last day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the last day of the following calendar month, stating:

The name of the seller;
The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this state;
The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and the sales, but less all deductions allowed by law;

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The amount of credit provided in Section 2d of this Act;

The amount of tax due;

The amount of penalty due, if any; and

Such other reasonable information as the Department may require. (See Section 3 of the Act)

- c) Returns must be signed by the taxpayer. If a taxpayer fails to sign a return within 30 days after proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

(Source: Amended at 20 Ill. Reg. 6991, effective MAY 07 1996)

Section 130.502 Quarterly Tax Returns

- a) If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize his returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

- b) The decision to permit quarterly filing will be based on the taxpayer's average monthly liability during the first year of registration. All taxpayers are required to file monthly returns unless authorized or required to file on a quarterly or annual basis.
- c) Such quarterly returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at 20 Ill. Reg. 6991, effective MAY 07 1996)

Section 130.510 Annual Tax Returns

- a) If the retailer's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year. The decision to permit annual filing will be based upon the taxpayer's average monthly liability during the first year of registration, or the first quarter of registration if the average monthly liability is less than \$12.00. All taxpayers are required to file monthly returns unless authorized or required to file on a quarterly or an annual basis.
- b) Such annual returns, as to form and substance, shall be subject to the

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same requirements as monthly returns.

(Source: Amended at 20 Ill. Reg. 6991, effective
MAY 07 1996)

Section 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

- a) Except as noted hereinafter, at the same time that a tax return is required by the provisions of the Act is filed with the Department, the taxpayer shall pay the tax that is due with such return to the Department.
- b) If the taxpayer's average monthly tax liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the ACT, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each such payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such payments shall be credited against the final tax liability of the taxpayer's return for that month. If any such payment is not paid at the time required herein, then the taxpayer's 2%, 2.1% or 1.75% vendors' discount shall be reduced by 2%, 2.1% or 1.75% of the difference between the minimum amount due as a payment and the amount of such quarterly monthly payment actually and timely paid, and the taxpayer shall be liable for penalties and interest on such difference except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section.
- c) Without regard to whether a taxpayer is required to make quarterly monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 2 complete calendar quarters, shall file a return

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for which returns would have been filed or should have been filed for the last month of the 4 quarter period since, until then, the making of the required computations for the 4 quarter period would be impossible. For example, the preceding 4 complete calendar quarters with reference to a November 1, 1976, date would actually have ended June 30, 1976, since most returns for the last month of that 4 quarter period would not have to have been filed until July 31, 1976, and the preceding 4 complete calendar quarters with reference to a July 1, 1977, date would actually end March 31, 1977, since most returns for the last month of that 4 quarter period would not have to be filed until April 30, 1977. The calendar quarters are January through March, April through June, July through September and October through December.

- g) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department (see See 86 Ill. Adm. Code 750 "Payment of Taxes by Electronic Funds Transfer") by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer.

(Source: Amended at 20 Ill. Reg. **6991**, effective MAY 07 1996)

Section 130.540 Returns on a Transaction by Transaction Basis

- a) Who Must File Transaction Reporting Returns.
In addition, with respect to motor vehicles and aircraft (and implements of husbandry or special mobile equipment for which the purchaser intends to apply for an optional title), every retailer selling this kind of tangible personal property in Illinois shall file, with the Department, upon a form prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells.
- b) Function And Contents Of Transaction Reporting Returns.
1) The transaction reporting return prescribed and supplied to retailers by the Department not only shall serve as such return, but also may serve as the dealer's invoice to the purchaser. Such forms will be numbered. The Department will keep a record of all of these forms which it supplies to a given retailer, and he is responsible for accounting to the Department for all such forms. If a transaction reporting return form should be spoiled, the retailer should mark it "voided" and send it back to the Department. Transaction reporting returns are not transferable by one retailer to another, but must be filed with or otherwise

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accounted for to the Department by the retailer to whom the particular forms are issued by the Department.

- 2) Such transaction reporting return must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of Use Tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold, and such other information as the Department may reasonably require.
- c) Transaction Reporting Returns, When Due, Transaction Reporting Returns in Lieu of Monthly Returns
1) Such transaction reporting return shall be filed not later than 20 30 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so.
2) If a retailer's sales of tangible personal property are limited to sales of motor vehicles or aircraft, or both, so that all of his Retailers' Occupation Tax liability is required to be reported, and is reported, on such transaction reporting returns, and such retailer is not otherwise required to file monthly returns, such retailer need not file monthly returns.
3) If a retailer of motor vehicles or aircraft, or both, need not file a monthly return, such retailer shall be required to file returns on an annual basis.
- d) Transmittal Of Transaction Reporting Return By Way Of Tinting Or Registering Agency
The transaction reporting return and tax remittance or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.
Submission Of Tax Or Proof Of Exemption With Transaction Reporting Returns -- Issuance of Use Tax Receipt Or Exemption Determination By Department of Revenue
With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a Use Tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt)

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which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

- f) Issuance of Title or Registration Where Retailer Fails Or Refuses To Remit Tax Collected By Retailer From User
No retailer's failure or refusal to remit tax hereunder shall preclude a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer.

- g) Direct Payment Of Tax By User To Department On Intrastate Purchase Under Certain Circumstances.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 1.75% discount being allowed. When the user pays the tax directly to the Department as aforesaid, he shall pay the tax in the same amount and in the same form in which it would be remitted if tax had been remitted to the Department by the retailer.

(Source: Amended at 20 Ill. Reg. 6991, effective MAY 07 1996)

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- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.401 Amendment
140.405 Amendment
- 4) Statutory Authority: 35 ILCS 115/1
- 5) Effective Date of Amendment(s): May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 7, 1996
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16500
- 10) Has JCAR issued a Statement of Objections to these Amendments?
No
- 11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): Between the time this Part was originally drafted and the time this Part was proposed, P.A. 87-14 amended the Service Occupation Tax Act in a number of respects. This rulemaking amends Sections 140.401(a) and 140.405(a) & (b) to conform the quote of statutory language to the exact language of the Service Occupation Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:
George Sorensen
Associate Chief Counsel

DEPARTMENT OF REVENUE

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Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE
 CHAPTER I: DEPARTMENT OF REVENUE

PART 140

SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Basis and Rate of the Service Occupation Tax
140.101	Registration of Servicemen
140.105	Presumption that Tax Applies (Repealed)
140.110	Occasional Sales to Servicemen by Suppliers (Repealed)
140.115	Meaning of Serviceman
140.120	Examples of Nontaxability
140.125	Exemption of Food, Drugs and Medical Appliances
140.126	Suppliers of Printers (Repealed)
140.130	Sales of Drugs and Related Items, to or by Pharmacists
140.135	Other Examples of Taxable Transactions
140.140	Multi-Service Situations
140.145	

SUBPART B: DEFINITIONS

Section	General Definitions
140.201	

SUBPART C: BASE OF THE TAX

Section	Cost Price
140.301	Refunds by Supplier or Serviceman
140.305	

SUBPART D: TAX RETURNS

Section	Monthly Returns When Due -- Contents of Returns
140.401	Annual Tax Returns
140.405	Final Return
140.410	Taxpayer's Duty to Obtain Form
140.415	Annual Information Returns by Servicemen
140.420	Filing of Returns for Serviceman "Suppliers" by their Suppliers
140.425	Under Certain Circumstances
140.430	Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section	Sales of Service Involving Property Originating in Illinois
140.501	

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140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit -- Limitations -- Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof
140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b30].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective MAY 07 1996.

SUBPART D: TAX RETURNS

DEPARTMENT OF REVENUE
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140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax to the Supplier
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department
140.1015 Itemization of the Tax by Suppliers
140.1020 Use of Bracket Chart
140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessor of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 140.401 Monthly Returns When Due -- Contents of Returns

- a) Except as provided in Section 140.405 of this Subpart, on or before the twentieth last day of each calendar month, every serviceman registered with the Department is required to file a return with the Department covering the preceding month, stating the name of the person filing the return, his residence address, the address of his principal place of business and the address of his principal place of business in this State (if that is a different address) and each address from which he engages in said taxable business as a serviceman. Where the serviceman has more than one business registered with the Department under separate registrations, such serviceman shall file separate returns for each such separately registered business.

b) Information Required in Taxpayer's Return

A taxpayer's return shall disclose the following:

- 1) total tax base for the return period;
- 2) the amount of tax due;
- 3) the total of the tax and penalty;
- 4) such other information as the Department may require on the tax form.

c) 1.75% Allowance to Serviceman for Collecting State Tax

After entering his State Service Occupation Tax liability on the return, the serviceman may then deduct 1.75% of such liability as compensation for acting as a collector of the tax. The minimum discount, over the entire period of any given calendar year, for any single serviceman (if such serviceman has that much tax to remit) shall be \$5.00 for such calendar year. This allowance against the State tax is available only when the tax is remitted with a return which is filed when due under the Act; it is not available in any case in which the tax is paid late.

(Source: Amended at 20 Ill. Reg. 7008, effective MAY 07 1996)

Section 140.405 Annual Tax Returns

- a) If the serviceman's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

- b) If the serviceman's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize his returns to be

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

filed on an annual basis, with the return for a given year being due by January 20 of the following year.

- c) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at 20 Ill. Reg. 7008, effective MAY 07 1996)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
160.135 Amendment
- 4) Statutory Authority: 35 ILCS 110
- 5) Effective Date of Amendment(s): May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 7, 1996
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16507
- 10) Has JCAR issued a Statement of Objections to these Amendments?
No
- 11) Differences between proposal and final version: Minor editing changes were made at the recommendation of the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): Between the time this Part was originally drafted and the time this Part was proposed, P.A. 87-14 amended the Service Use Tax Act in a number of respects. This rulemaking amends Section 160.135(a) to conform the quote of statutory language to the exact language of the Service Use Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUEPART 160
SERVICE USE TAX

Section	
160.101	Nature of the Tax
160.105	Definitions
160.110	Kinds of Uses And Users Not Taxed
160.115	Collection Of The Service Use Tax By Servicemen
160.120	Receipt For The Tax
160.125	Special Information For Taxable Users
160.130	Registration Of Servicemen
160.135	Serviceman's Return
160.140	Penalties, Interest And Procedures
160.145	Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.150	Claims To Recover Erroneously Paid Tax--Limitations--Procedures
160.155	Disposition Of Credit Memoranda By Holders Thereof
160.160	Refunds
160.165	Interest

AUTHORITY: Implementing the Service Use Tax Act [35 ILCS 110] and authorized by Section 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b30].

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective MAY 07 1996.

Section 160.135 Serviceman's Return

- a) Every serviceman required or authorized to collect the Service Use Tax must file a return each month by the twentieth last day of the month covering the preceding calendar month except when the serviceman is authorized to file tax returns on a quarterly or annual basis as hereinafter provided. The Department has combined the Service Use Tax return form, the Service Occupation Tax return form and the Use Tax return with the Retailers' Occupation Tax return form.
- b) Where the sale of service is made under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the return period for which the return is filed, the serviceman, in collecting the tax, may collect, for each return period, only the tax applicable

DEPARTMENT OF REVENUE

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- to that part of the selling price actually received during such return period.
- c) In his regular return, each serviceman shall also include the total amount of Service Use Tax due upon the selling price of tangible personal property transferred by him as an incident to a sale of service by a serviceman. Such serviceman shall remit the amount of such tax to the Department when filing such return.
 - d) In general, the provisions of Subpart D of the Service Occupation Tax (86 Ill. Adm. Code 140)7 (including the provisions pertaining to quarterly and annual tax returns, but not the provisions pertaining to annual information returns) shall apply to returns of servicemen under the Service Use Tax Act.
 - e) The serviceman who collects the Service Use Tax from his purchaser and who remits, as Service Use Tax, the amount so collected is allowed to deduct the 1.75% collection allowance or \$5.00 per calendar year, whichever is greater, in the same manner as the serviceman is allowed to do under Subpart D of the Service Occupation Tax. (86 Ill. Adm. Code 150, Subpart D) Where a purchaser from a serviceman, however, does not pay the Service Use Tax to the serviceman, but pays it directly to the Department, that purchaser is not allowed to deduct any amount as a collection allowance.

(Source: Amended at 20 Ill. Reg. 7015, effective MAY 07 1996.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.901 Amendment
- 4) Statutory Authority: 35 ILCS 105
- 5) Effective Date of Amendment(s): May 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 7, 1996
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16511
- 10) Has JCARE issued a Statement of Objections to these Amendments?
No
- 11) Differences between proposal and final version: No changes were requested to be made between proposed and final version.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? No changes were requested to be made.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): Between the time this Part was originally drafted and the time this Part was proposed, P.A. 87-14 amended the Use Tax Act in a number of respects. This rulemaking amends Sections 150.901(a), (e) and (f) to conform the quote of statutory language to the exact language of the Use Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 150

USE TAX

SUBPART A: NATURE OF THE TAX

Section

150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How to Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section

150.201	General Definitions
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SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section

150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section

150.401	Collection of the Tax by Retailers From Users
150.405	Tax Collection Brackets
150.410	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)

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NOTICE OF ADOPTED AMENDMENTS

150.440	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

Section

150.601	Requirements
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SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section

150.701	When and Where to File a Return
150.705	Use Tax on Items that are Titled or Registered in Illinois
150.710	Procedure in Claiming Exemption from Use Tax
150.715	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716	Display Certificates for House Trailers
150.720	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730	Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section

150.801	When Out-of-State Retailers Must Register and Collect Use Tax
150.805	Voluntary Registration by Certain Out-of-State Retailers
150.810	Incorporation by Reference

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NOTICE OF ADOPTED AMENDMENTS

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit--Limitations--Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 39b28 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b28].

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective MAY 07 1996.

SUBPART H: RETAILERS' RETURNS

Section 150.901 When and Where to File

- a) Every retailer required or authorized to collect the Use Tax must file a return each month by the twentieth last day of the month covering the preceding calendar month, except when the retailer is authorized to file tax returns on a quarterly or annual basis as hereinafter provided. The Department has combined the retailers' Use Tax return form with the Retailers' Occupation Tax return form.
- b) Where the tangible personal property is sold under a conditional sales contract or under any other form of sale wherein the payment of the principal sum or a part thereof is extended beyond the close of the return period for which the return is filed, the retailer, in collecting the tax, may collect, for each return period, only the tax applicable to that part of the selling price actually received during such return period.
- c) In his regular monthly, quarterly or annual return, each retailer shall also include the total amount of Use Tax due upon the purchase price of tangible personal property (other than a motor vehicle or aircraft on which the tax is to be paid separately from the regular monthly, quarterly or annual return) purchased by him at retail from a retailer, but as to which such tax was not collected by the vendor from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.
- d) If the retailer files his Retailers' Occupation Tax returns on the gross sales basis, rather than on the gross receipts basis, he will be required to report the Use Tax information that he includes in his returns on the basis of gross sales (or on the basis of gross purchases in the case of reporting purchases for the retailer's use).
- e) If the retailer's average monthly tax liability to the Department does not exceed \$100.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and

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September of a given year being due by October 20 31 of such year, and with the return for October, November and December of a given year being due by January 20 31 of the following year.

f) If the retailer's average monthly tax liability to the Department does not exceed \$50.00 \$20.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 31 of the following year.

g) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

h) Notwithstanding any other provision in this Regulation concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Regulation, such retailer shall file a final return under this Regulation with the Department not more than one month after discontinuing such business.

(Source: Amended at 20 Ill. Reg. **7019**, effective
MAY 07 1996)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Business Corporation Act

2) Code Citation: 14 Ill. Adm. Code 150

3) Section Number(s): Adopted Action:

150.10 Amendment
150.100 Amendment
150.120 Amendment
150.130 Amendment
150.200 Amendment
150.230 Amendment
150.415 Amendment
150.425 Amendment
150.430 Amendment
150.475 Amendment
150.485 New Section
150.500 Amendment
150.520 Amendment
150.610 Amendment
150.630 Amendment
150.720 Amendment

4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 (805 ILCS 5)

5) Effective Date of Amendment: May 8, 1996

6) Does this rulemaking contain an automatic repeal date: No

7) Does this amendment contain incorporation by reference: No

8) Date filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1750, February 2, 1996

10) Has JCAR issued a State of Objections to these amendments? No

11) Differences between proposal and final version:

Bracketed ILCS citations.

In Section 150.200(c) capitalized the "s" in the word "state".

In Section 150.230 added the word "see" before the citation and omitted the comma.

In Section 150.230(b)(3) added "(b)" after the word "subsections".

SECRETARY OF STATE

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In Section 150.430 deleted the Non-Profit Health Care Service Plan Act since it was repealed in 1989.

In Section 150.475 change ":" to "."

In Section 150.720, last paragraph, change "subsection" to "subsections".

In Section 150.100(e) and (f) deleted "(10)".

In Section 150.100(n) deleted "(5)" and "fifteen" and the parentheses.

In Section 150.100(t) deleted "(5)".

In Section 150.120(7) and (8) added the following language: "7) All staff memoranda or data submitted to the Hearing Officer in connection with his or her consideration of the case;" 8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but such communication shall not form the basis for any finding of fact."

In Section 150.200(c) added after "postage" "not to exceed \$200".

In Section 150.230(a)(2) changed "corporations" to "corporation".

In Section 150.720, last paragraph deleted the colon and added a period.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

The majority of the changes were merely technical changes in regard to statutory citations, locations, etc. A new provision was added with regard to name availability which provides that offensive words in the corporate title create a basis for rejection.

Section 150.630 clarifies that in the case of a share dividend that there is to be an amount transferred to paid-in capital and that it cannot be less than the aggregate par value of the newly issued shares.

Currently, the statute is silent with regard to offensive language. When challenged, this rule change would provide the Department with a basis for rejection.

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NOTICE OF ADOPTED AMENDMENT(S)

16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, IL 62756
(217) 782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 150

BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section
150.10 Applicability
150.20 Definitions
150.30 Right to Counsel
150.40 Appearance of Attorney
150.50 Special Appearance
150.60 Substitution of Parties or Attorneys
150.70 Commencement of Action; Notice of Hearing
150.80 Motions
150.90 Form of Papers
150.100 Conduct of Hearings
150.110 Orders
150.120 Record of Hearings
150.130 Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section
150.200 Annual List of Corporations
150.210 Monthly List of Corporations
150.220 Daily List of Corporations
150.230 Computer Access to Information
150.240 Abstracts of Corporate Record
150.250 Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS, OBJECTIONS, AND OTHER RELIEF

Section
150.300 Errors or Defects
150.305 Financial Data as Support Documentation
150.310 Invalidity

SUBPART D: NAMES

Section
150.400 Preliminary Determination of Availability
150.405 Final Determination of Availability
150.410 Response as to Basis of Unavailability

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

150.415 Reconsideration Procedure
150.420 Effect of Final Determination
150.425 Applicability
150.430 Availability of Names: Statutory Requirements
150.435 Standards - Conflicting Names
150.440 Distinguishable - Defined
150.445 Matters not Considered
150.450 Significant Differences
150.455 Surnames
150.460 Alphabet Names
150.465 Government Affiliation
150.470 Restricted and Professional Words
150.475 Acceptable Characters of Print
150.480 Invalidity
150.485 Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
150.500 Preamble
150.510 Manner of Service
150.520 Place of Service
150.530 Payment of Fees
150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section
150.600 Payment of Fees, Franchise Tax and License Fee
150.610 Definitions
150.620 Annual Report
150.621 Confidentiality of Annual Report Financial Data
150.630 Shares Having a Par Value
150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
150.700 Interpretive Comments Applicable Generally
150.705 Paid-in Capital
150.710 Advice to the Public
150.720 Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302,

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NOTICE OF ADOPTED AMENDMENT(S)

effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective MAY 08 1995.

SUBPART A: HEARING PROCEDURES

Section 150.10 Applicability

This Subpart shall apply to all hearings conducted pursuant to the Business Corporation Act of 1983 [805 ILCS 5]. ¶111-Rev--Stat--1984-Supp--ch--327 ¶111-101-et-seq--amended-by-Public-Act-84-9247-effective-January-17-19867

(Source: Amended at 20 Ill. Reg. 7026 effective MAY 08 1995)

Section 150.100 Conduct of Hearings

- a) All hearings conducted in any proceeding shall be open to the public.
- b) The Hearing Officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.
- c) The rules of evidence shall be as authorized by Section 10-40(a) of the Illinois Administrative Procedure Act [45 ILCS 100/10-40(a)] ¶111-Rev--Stat--19917-ch--1377-par--1010-40(a)7.
- d) Official notice will be taken as authorized by Section 10-40(c) of the Illinois Administrative Procedure Act [45 ILCS 100/10-40(c)] ¶111-Rev--Stat--19917-ch--1377-par--1010-40(c)7.
- e) Upon written request made, at least ten (10) business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, and/or furnish written answers to a written demand for a bill of particulars.
- f) Any party or his representative shall have the right, upon written motion made at least ten (10) business days prior to the hearing, to inspect any relevant documents in the possession of or under the control of any other party and to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Interviews of persons and inspection of documents shall be at times and places reasonable for the person and for the custodian of the document. Discovery depositions are not authorized, required or permitted in these administrative hearings.
- g) Oral evidence shall be taken only on oath or affirmation.
- h) Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.
- i) Each party shall have the right to request the subpoena of and to call and to examine witnesses; to introduce exhibits and to cross-examine witnesses on any matter relevant to the issues, even though that

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matter was not covered in the direct examination. Application to the Hearing Officer assigned for subpoenas duces tecum shall specify the books, papers, and documents desired to be produced.

- j) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- k) Upon the opening of the hearing, the Hearing Officer shall allow the parties to make opening statements. Opening statements may be reserved by a party until the start of that party's case. Upon the close of the hearing each party may make a closing statement orally and/or by written brief at the discretion of the Hearing Officer, incorporating arguments of fact and law. A written brief will be required when the facts and issues are deemed complicated by the Hearing Officer, and there is a need for parties to plead their cases in writing for the record.
- l) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not bound thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements. If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.
- m) Each party shall have the right to rebut the evidence against him; to appear in person; and to be represented by counsel. If a party does not testify in his own behalf, he or she may be called by the Secretary of State's representative and examined as if under cross-examination, but shall not be compelled to incriminate himself or herself.
- n) Upon order of the Hearing Officer and upon at least five (5) business days notice to other parties, any party, including the Department, may cause at his or its expense, a deposition of any witness to be taken for use as evidence in a contested case, when the witness is not available, for example, due to distance, time, cost to the party using the testimony, sickness, infirmity, imprisonment, the witness being out of state or similar factors. The deposition shall be taken in the manner provided by law for evidence depositions in civil actions in the Circuit Courts of Illinois. Any party may direct written interrogatories to any other party. Interrogatories must be restricted to the subject matter of the case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party. Written interrogatories shall be served on the

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opposing party no later than ~~fifteen~~ 15th business days before the hearing. Objection to answers or refusals to answer shall be heard on motion at the hearing before the Hearing Officer who shall rule on the objection or refusal. Answers shall be sworn. If an answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatories were served, it shall be a sufficient answer to specify the documents and make them available to the inquiring party to inspect and copy at the asking party's expense.

- o) At the request of any party or upon his own motion in a complicated case, the Hearing Officer will call a prehearing conference. At the conference, the parties, or their representatives shall appear as the Hearing Officer directs to consider:
- 1) The simplification of the issues;
 - 2) Amendments to the grounds for action;
 - 3) The possibility of obtaining admissions and stipulations of fact and of documents which will avoid unnecessary proof;
 - 4) The limitation of the number of expert witnesses;
 - 5) Any other matters which may aid in the disposition of the contested case.
- p) Upon the conclusion of a prehearing conference, the Hearing Officer shall enter an order which recites any action taken, any agreements made by the parties as to any of the matters considered, and the issues to be heard.
- q) The burden of proof is upon the applicant for any relief in a hearing. The standard of proof is the preponderance of the evidence.
- r) All exhibits for any party shall be clearly marked for identification and as admitted into evidence by the Hearing Officer.
- s) Report of Proceedings.

- 1) The Department shall, at its expense, have present at each hearing, an electronic recording device or a qualified court reporter, for the purpose of making a permanent and complete report of the proceedings, to-wit: evidence admitted or tendered and not admitted, testimony, offer of proof, objections, remarks of the Hearing Officer and of parties and/or their representatives, and all rulings of the Hearing Officer.

- 2) Upon request and at his own expense any party may have a copy of said report of proceedings, from said court reporter, or transcribed from the electronic device by the Department at the statutory rate as set forth in 805 ILCS 5 ~~III-Rev-Stat--1997~~ ~~ch-537-par--24~~.

- t) A request for continuance of a hearing is directed to the sound discretion of the Hearing Officer to whom the case has been assigned for hearing. Such continuance will be granted, for good cause shown, provided the request is received by the Department and other parties not less than five (5) days prior to the hearing date unless good cause is shown during the hearing for a continuance due to the need for new evidence, sudden unavailability of counsel, sudden illness of

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a party, or similar reasons. Such request shall be in writing and shall set forth the grounds alleged therefor. Oral requests for continuances shall not be granted unless made during the hearing for good cause. "Good cause" is shown when a Petitioner or Respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces or serious illness, relating to either party or that party's attorney.

- u) No formal hearing shall be continued "generally". A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior hearing date at which time the hearing shall reconvene.

(Source: Amended at 20 Ill. Reg. 7026,

MAY 08 1996)

Section 150.120 Record of Hearings

- a) The record of the hearing in a contested case shall include:

- 1) All pleadings (including all pre-hearing and post-hearing notices and responses thereto, admissions, stipulations of facts, motions, and rulings thereon);
- 2) All evidence admitted;
- 3) A statement of matters officially noticed;
- 4) A transcript of the proceedings;
- 5) The Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer.

- 6) The Order of the Secretary of State, which shall constitute a final administrative decision within the provisions of the Administrative Review Law [805 ILCS 5/Art. III] ~~III-Rev-Stat-1997-ch-110-par-3-101-et-seq-7~~.

- 7) All staff memoranda or data submitted to the Hearing Officer in connection with his or her consideration of the case. ~~All staff memoranda or data submitted to the Hearing Officer in connection with his or her consideration of the case.~~

- 8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but such communication shall not form the basis for any finding of fact. ~~Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act, but such communication shall not form the basis for any finding of fact.~~ ~~45-BEA-100/10-60-7~~

- b) The record shall be certified by the Hearing Officer or Director upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Department.

(Source: Amended at 20 Ill. Reg. 7026,

MAY 08 1996)

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Section 150.130 Invalidity

If any part of this Subpart shall be held invalid by a court of competent jurisdiction ~~to--be--invalid~~, such holding shall not affect the remaining parts thereof.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

SUBPART B: SALE AND RELEASE OF INFORMATION

Section 150.200 Annual List of Corporations

- a) The annual list of corporations shall contain the list of all corporations registered in the State of Illinois, both foreign and domestic during a calendar year, as shown on the records of the Department of Business Services of the Office of the Secretary of State.
- b) All requests for the annual list shall be sent to the Director of the Department of Business Services at Room 328, Howlett Building, Springfield, Illinois 62756.
- c) The fee for the annual list shall be equal to the cost of publishing plus postage, not to exceed \$200 ~~75-00-and--includes--postage~~. The fee shall be paid by certified check or money order. No fee shall be charged to local governments, ~~or--state~~ State departments or agencies.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.230 Computer Access to Information

- a) Computer connections by non-Department users.
- 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
 - 2) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a daily or monthly basis for all information delivered during that day or month, as determined by the Secretary and the agency or person to be economically simplest way of billings. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as statutory fees (see 805 ILCS 5/15.10) ~~411--Rev--Stat--1985--ch--32--par--15-10~~ for certain types of information and

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the requirements of this Subpart.

- 3) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at any time, should the connection interfere with the Secretary's internal work schedules and processing.
- b) Corporate information is available for purchase from the Department in the following specific formats only.
 - 1) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check or money order, made payable to the "Secretary of State". ~~Printouts-of-information-on-computer-paper shall--be--available--for-the-required-fee--plus-50¢-per-page-and postage~~. If the purchaser wants the information on computer tape, the purchaser shall supply a computer tape or tapes compatible with the Secretary's equipment.
 - 2) The only formats of corporate information for purchase on computer list and the master not for profit corporation list. The master business corporation list format includes the file number, state of origin, date of incorporation or qualification, the corporate name, the registered agent's name and registered office address, the name of the incorporator (if the corporation is newly formed) or the name and address of the president and secretary of the corporation, the years in which the two previous annual reports were filed, the types of stock, the amount of paid-in capital and the assumed corporate names. ~~If the information available by means of a computer connection shall include all of the above, and also the microfilm roll and image number, and the amount of franchise tax paid.~~ The fee for this list shall be \$1,500.00. Information concerning the master not for profit corporation list is found at 14 Ill. Adm. Code 160.12.
 - 3) The Department makes available for purchase to commercial users the master business and not for profit corporation lists (as stated in subsections (b)(1) and (2) above), and the assumed name file, together with a daily update list of newly formed corporations (business and not for profit), and a monthly list of newly formed corporations, all of which information is only available for purchase as a whole unit, to be known as the "Daily Transmittal Package (DTP)". In addition to the total fee for the

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two active corporate files of \$3,000.00, the commercial purchasers shall pay to the Department: a fee of \$72.00 per day to create tapes of updates and new transactions, transmitted daily to the purchasers; a fee of \$137.00 per month to create computer tapes to update the corporate files on a monthly basis; a monthly maintenance fee of \$310.00; a staff reimbursement cost of \$35.00 per hour for any additional programming; and any telephone charges to transmit the information to the commercial purchaser. Payments to the Department shall be made monthly. The commercial purchaser shall enter into a written agreement for a term of not less than 2 years duration, nor more than 5 years, encompassing other terms and conditions as are deemed appropriate by the commercial purchaser and the Department, or by Illinois law. The commercial purchaser shall provide a computer terminal for the use of the Department to ascertain the correctness of the corporate information as presented by the commercial purchaser to the public.

- 4) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. No other corporate information in quantity shall be sold or otherwise made available for purchase or for free. This subsection does not prevent a member of the public from making inquiries or purchases of information concerning an individual corporation in which he or she is specifically interested. However, any person requesting information arranged by a specific field of the formats shall be referred to all commercial vendors of corporate information who have obtained the information pursuant to subsection 3, and the Department shall not provide the corporate information to the requester. The Department shall not state any preference of commercial vendor to the requester, but shall provide all names and addresses of the commercial vendors to the requester. As of July 17, 1987, the commercial vendors include Mead-Data-Central, West-Publishing-Company, Westlaw, Information-America, and Databasech.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

SUBPART D: NAMES

Section 150.415 Reconsideration Procedure

An applicant may request reconsideration of a final determination that a proposed name is unavailable, by making a written request addressed to the Director, Room 328, the Howlett Centennial Building, Springfield, Illinois, 62756. The applicant shall attach to his request a copy of the written final determination made rejecting the name, and shall include a statement of the

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reasons upon which the applicant seeks approval of the name. The applicant may include material in support of the request for reconsideration. This reconsideration procedure shall not apply to any request for a preliminary determination of availability. Only after the Director's determination of unavailability shall an applicant be entitled to a hearing pursuant to Subpart A of this Part.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.425 Applicability

The provisions of this subpart shall be applicable to all corporations, which are, or will or may become subject to the provisions of the Business Corporation Act of 1983 [805 ILCS 5]. (Supp.--to--Ill--Rev--Stat--1983--ch--327--par--1-01-et-seq--)

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.430 Availability of Names: Statutory Requirements

A proposed corporate name shall comply with the applicable provisions of the Business Corporation Act of 1983 [805 ILCS 5] (Supp.--to--Ill--Rev--Stat--1983--ch--327--par--1-01-et-seq--), the General Not For Profit Corporation Act [805 ILCS 105] (Ill--Rev--Stat--1983--ch--327--par--1-03a-et-seq--), the Professional Service Corporation Act [805 ILCS 10] (Ill--Rev--Stat--1983--ch--327--par--415-1-et-seq--), the Medical Corporation Act [805 ILCS 15] (Ill--Rev--Stat--1983--ch--327--par--631-et-seq--), the Close Corporation Act [805 ILCS 5/Art. 2A] (Ill--Rev--Stat--1983--ch--327--par--1201-et-seq--), and the Non-Profit--Health Care--Service--Plan--Act--(Ill--Rev--Stat--1983--ch--327--par--531-et-seq--), and any other statute of this State which may prohibit or restrict corporate names.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.475 Acceptable Characters of Print

The Corporate name must consist of letters of the English alphabet, Arabic or Roman numerals, and/or symbols capable of being readily reproduced by the Office of the Secretary of State [805 ILCS 5/4.05(a)(6)] (Supp.--to--Ill--Rev--Stat--1983--ch--327--par--4-05-et-seq--).

- a) Letters of the English alphabet include upper case or capital letters only; no distinction as to type face or font is recognized.
 b) Arabic numerals include: 0,1,2,3,4,5,6,7,8,9
 c) Roman numeral characters include: I, V, X, L, C, D, M
 d) Symbols recognized by the Secretary of State include: ! @ # \$ % & * () - = + ; ' / ? , .

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(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.485 Improper Names

The corporate name or assumed corporate name shall not contain any word or words that create a connotation that is offensive to good taste and decency.

(Source: Added at 20 Ill. Reg. 7026, effective MAY 08 1996)

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section 150.500 Preamble

For purposes of this Part, service of process on the Secretary of State shall refer to any service to be had on the Secretary of State in his or her capacity as an agent for service on corporations as required by the provisions of the Business Corporation Act of 1983 [805 ILCS 5]. (SPPP--to-III--Rev--Stat--19937 chr-327-pars--5:357-5:367--ii:457--i3:457)

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

Section 150.520 Place of Service

Service of any process, notice or demand made under this Part shall be had with the Department of Business Services either at Room 328, Howlett Building, Springfield, Illinois 62756, or at Room 1137, 17 North State ~~4267--100--West Randolph-Street~~, Chicago, Illinois 60602 60661.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section 150.610 Definitions

For the purpose of computing franchise taxes and license fees as provided in Sections 15.40, 15.55 and 15.70 of the Business Corporation Act of 1983 [805 ILCS 5/15.40, 15.55 and 15.70] (III--Rev--Stat--1984-Supp--chr-327-pars--1:01 et-seq--the words and phrases in this Section shall have the meaning set forth herein.

a) "Property" means gross assets, including all real, personal tangible and intangible property, without qualification.

b) "Business" means gross receipts, from whatever source derived.

(Source: Amended at 20 Ill. Reg. 7026, effective _____)

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Section 150.630 Shares Having a Par Value

The consideration received at the time of the issuance of shares or, in the case of shares issued as a share dividend, the amount added or transferred to the paid-in capital for or on account of the issuance of shares cannot be less than the aggregate par value of the shares issued, and at no time shall the paid-in capital be reduced to an amount less than the aggregate par value of all issued shares.

(Source: Amended at 20 Ill. Reg. 7026, effective MAY 08 1996)

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section 150.720 Incorporating Licensed Professionals

a) Authorized Corporate Structures

The following professionals may incorporate using only the corporate structures indicated on the list:

1) The Business Corporation or Professional Corporation Act may be used by these professions:

PROFESSION

Roofer

Chapter-III--par--750i-et-seq--
t225 ILCS 335+

Architecture

Chapter-III--par--130i-et-seq--
t225 ILCS 305+

Professional Engineering

Chapter-III--par--520i-et-seq--
t225 ILCS 325 205+

Structural Engineering

Chapter-III--par--660i-et-seq--
t225 ILCS 340+

Land Surveyors

Chapter-III--par--325i-et-seq--
t225 ILCS 330+

Landscape Architect

Chapter-III--par--810i-et-seq--
t225 ILCS 315+

Pharmacist

Chapter-III--par--412i-et-seq--
t225 ILCS 85+

(Pharmacy may be a BCA, but the pharmacist himself may

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only be a PC)

Real Estate Broker

Chapter-1117-parr--500i-et-seq-
‡225 ILCS 455‡

Marriage and Family
Therapists

Chapter-1117-parr--035i-i-et-seq-
‡225 ILCS 55‡

Private Security Guard,
Private Detectives, and
Private Alarm Contractors
(Person shall be PC if detective,
but agency can be BCA)

Chapter-1117-parr--265i-et-seq-
‡225 ILCS 445‡

Detection of Deception
Examiners

Chapter-1117-parr--240i-et-seq-
‡225 ILCS 430‡

Collection Agencies

Chapter-1117-parr--200i-et-seq-
‡225 ILCS 425‡

2) The Professional Corporation Act, in its statement of intent, specifically states that it was enacted to allow licensed professionals to use this form of corporate structure.

PROFESSIONAL CORPORATIONS

STATUTORY REFERENCE

Athletic Trainer

Chapter-1117-parr--760i-et-seq-
‡225 ILCS 5‡

Barbers

(BCA can be formed to own
barber shops, but licensed
barber can only form PC)

Chapter-1117-parr--170i-i-et-seq-
‡225 ILCS 410‡‡

Professional Boxing & Wrestling

225 ILCS 105

A) Promoters
B) Contestants
C) Seconds
D) Referees
E) Judges
F) Managers
G) Trainers
H) Timekeepers

Cosmetologists

(BCA can be formed to own

Chapter-1117-parr--1703-i-et-seq-
‡225 ILCS 410/3‡

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barber shops, but licensed
barber can only form PC)

Esthetician

Chapter-1117-Section-1703A-i-et-seq-
‡225 ILCS 410/3A‡

Nail Technicians

Chapter-1117-parr--1793E-i-et-seq-
‡225 ILCS 410/3E‡

Funeral Directors/Embalmer
(Any person can form a business
corporation to own a funeral home,
but the operation of a funeral home
is limited to a licensed funeral
director)

Chapter-1117-parr--290i-et-seq-
‡225 ILCS 41‡

Speech-Language Pathologists
and Audiologists

Chapter-1117-parr--790i-et-seq-
‡225 ILCS 110‡

Physicians, including osteopath,
psychiatrist and chiropractor

Chapter-1117-parr--4400-i-et-seq-
‡225 ILCS 60‡

Dentists (Dental Hygienists)

Chapter-1117-parr--330i-et-seq-
‡225 ILCS 25‡

Podiatrist

Chapter-1117-parr--400i
‡225 ILCS 100‡

Psychologist

Chapter-1117-parr--535i-et-seq-
‡225 ILCS 15‡

Physical Therapist

Chapter-1117-parr--425i-et-seq-
‡225 ILCS 90‡

Occupational Therapist

Chapter-1117-parr--370i-et-seq-
‡225 ILCS 75‡

Clinical Social Workers

Chapter-1117-parr--635i-et-seq-
‡225 ILCS 20‡

Interior Design

Chapter-1117-parr--020i-et-seq-
‡225 ILCS 310‡

Nutritionists and Dieticians

Chapter-1117-parr--040i-i
‡225 ILCS 30‡

Pharmacist

Chapter-1117-parr--412i-et-seq-
‡225 ILCS 85‡

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Nurses

Chapter-1117-parrr-9501-et-seqr
f225 ILCS 65f

Public Accountants

Chapter-1117-parrr-5500-01-et-seqr
f225 ILCS 450f

Shorthand Reporters

Chapter-1117-parrr-6201-et-seqr
f225 ILCS 415f

Veterinarians

Chapter-1117-parrr-7001-et-seqr
f225 ILCS 115f

Nursing Home Administrators

Chapter-1117-parrr-3651-et-seqr
f225 ILCS 70f

Attorneys

Chapter-1107-parrr-721
fSupreme Court Rule 721f

Optometrist

Chapter-1117-parrr-3901-et-seqr
f225 ILCS 80f

Chiropractor

Chapter-1117-parrr-4400-1-et-seqr
f225 ILCS 60f

Doctors

Chapter-1117-parrr-4400-1-et-seqr
f225 ILCS 60f

This list was developed in coordination with the Department of Professional Regulation. The corporate purposes will include the language prescribed in subsections subsection (b) and (c) of this Section.

b) Required language in incorporation documents for Professional Corporations.

1) Names

A professional corporation shall adopt a name consisting of the full or last name of one or more of its shareholders; except that if not prohibited by law, rules of a regulating authority or the canons of ethics of the professional concerned, a professional corporation may adopt a fictitious name. If the corporation does adopt a fictitious name or continues to use the name of a deceased shareholder or the name of a member of a predecessor organization, it shall file with the county clerk of the county where its principal place of business is located under the Assumed Business Name Act (1117-Revrr-Statrr-1991r-chr-96f-parrr-3m et-seqr) [f805 ILCS 405f]. It shall be permissible for a professional corporation to continue to use the name of a deceased shareholder for a period of one year after his death without recording the name of the corporation with the county

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clerk as hereinabove provided. A professional corporation may continue to use the name of a shareholder who voluntarily withdraws from the corporation if the withdrawing shareholder files with the regulating authority his written permission for the continued use of his name by the professional corporation. This permission shall remain in effect until written revocation has been received by the regulating authority from the former shareholder.

The corporation name shall end with the word "Chartered" or "Limited" or the abbreviation "Ltd.", or with the words "Professional Corporation" or the abbreviation "Prof. Corp." or the initials "P.C.".

2) Purpose

Professional Corporation: To practice the profession of rendering that type of professional service and services ancillary thereto.

Professional Service will be rendered from the following address: (address of the corporation)

3)

Attorney's Under the Professional Service Corporation Act The Articles of Incorporation of a Professional Service Corporation which is to be engaged in the practice of law must also contain, in the Articles, the following statement:

"All shareholders shall be jointly and severally liable for the acts, errors and omissions of the shareholders and other employees of the corporation, arising out of the performance of professional services by the corporation while they are shareholders."

c) Required language in incorporation documents for Medical Corporations.

1) Names

The corporate name shall end with the word "Chartered" or "Limited" or the abbreviation "Ltd." or the words "Service Corporation" or the abbreviation "S.C."

2) Purpose

Medical Corporation: To own, operate and maintain an establishment for the study, diagnosis and treatment of human ailments and injuries, whether physical or mental, and to promote medical, surgical and scientific research and knowledge; provided that medical or surgical treatment, consultation or advice may be given by employees of the corporation only if they are licensed pursuant to the Medical Practice Act (1117-Revrr-Statrr-1991r-chr-1117-parrr-4400-1-et-seqr) [f225 ILCS 60f1-et-seqr].

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(Source: Amended at 20 Ill. Reg. effective MAY 08 1996)

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- 1) Heading of the Part: General Not For Profit Corporations
- 2) Code Citation: 14 Ill. Adm. Code 160
- 3) Section Number(s):
- | | |
|--------|------------------------|
| 160.10 | <u>Adopted Action:</u> |
| | Amendment |
| 160.11 | Amendment |
| 160.12 | Amendment |
| 160.13 | Amendment |
| 160.14 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the General Not for Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq.)
- 5) Effective Date of Amendment: May 8, 1996
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this amendment contain incorporation by reference: No
- 8) Date filed in Agency's Principal Office: May 8, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1768, February 2, 1996
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version:
- Bracketed ILCS citations.
- In Section 160.11 changed "." to ":".
- In Section 160.14 deleted the period following the zip code
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The majority of the changes were merely technical changes in regard to statutory citations, locations, etc.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 160

GENERAL NOT FOR PROFIT CORPORATIONS

Section

160.10 Definitions

160.11 Office Location and Business Hours

160.12 Sale of Information

160.13 Fees

160.14 Abstracts and Records

160.15 Hearings

160.16 Names

160.17 Service of Process

AUTHORITY: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].

SOURCE: Adopted at 11 Ill. Reg. 10309, effective June 1, 1987; amended at 20 Ill. Reg. 7045, effective MAY 08 1996.

Section 160.10 Definitions

"Department" shall mean the Department of Business Services Corporations of the Office of the Secretary of State.

"Director" shall mean the Director of the Department.

"NFP" shall mean the General Not for Profit Corporation Act of 1986 [805 ILCS 105] ~~11-Rev-Stat-1986-Supp-7-ch-327-pars-101-01-et seq-7.~~

"Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at 20 Ill. Reg. 7045, effective MAY 08 1996)

Section 160.11 Office Location and Business Hours

a) The documents to incorporate an Illinois not for profit corporation shall be filed at the following address:

Department of Business Services Corporations

Room 328, Howlett Centennial Building

Springfield, Illinois 62756.

b) The business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

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(Source: Amended at 20 Ill. Reg. 7045, effective MAY 08 1996)

Section 160.12 Sale of Information

a) The master not for profit corporation list computer format includes the file number, the corporate name, the date of incorporation or qualification, the registered agent's name and the registered office address, the duration of the corporation, and the years in which the two previous annual reports were filed. [The information available by means of a computer connection shall include all of the above and the microfilm roll and image number.] The fee for this list is \$1,500.00. No other corporate information in quantity shall be sold or otherwise made available for purchase or for free. This subsection does not prevent a member of the public from making inquiries or purchases of information concerning an individual corporation in which he or she is specifically interested. However, any person requesting information arranged by a specific field of the formats shall be referred to all commercial vendors of corporate information who have obtained the information [pursuant to 14 Ill. Adm. Code 150.230(b)(3)], and the Department shall not provide the corporate information to the requester. The Department shall not state any preference of commercial vendor to the requester, but shall provide all names and addresses of the commercial vendors to the requester. ~~As of July 17, 1987, the commercial vendors include: Head-Data-Central (West)-West-Publishing-Company (Westlaw)-Information-America--and Databasech-~~

b) The list of condominium associations is available twice per year in microfiche form for a fee of \$150.00 per set, payable by certified check or money order to the "Secretary of State". The sets may be ordered in writing from the Director. When the purchaser's request is approved by the Director and the fee paid, no refunds shall be made.

c) The Department shall sell to the public after January 1, 1988, on a twice per year basis, microfiche sets of the lists of Cooperative Housing Associations and Homeowners Associations, at a fee of \$150.00 per set, the fee to be paid by certified check or money order made payable to the "Secretary of State". The sets may be ordered in writing from the Director. When the purchaser's request is approved by the Director and the fee paid, no refunds shall be made.

(Source: Amended at 20 Ill. Reg. 7045, effective MAY 08 1996)

Section 160.13 Fees

All payments of fees with respect to original articles of incorporation, applications for original certificates of authority and applications for reinstatement of domestic or foreign corporations shall be by money order.

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certified check, cashier's check or a check drawn on the account of an Illinois attorney or certified public accountant, payable to the "Secretary of State." All other payments may be made by personal or business firm check, payable to the "Secretary of State."

~~All fees for filing of any document, or copies of any document, as set forth in this part, shall be paid only by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State."~~

(Source: Amended at 20 Ill. Reg. 7045, effective MAY 08 1996)

Section 160.14 Abstracts and Records

a) An abstract of corporate record of a corporation shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services ~~Corporations~~ of the Office of the Secretary of State.

b) All requests for abstracts of corporate records shall be in writing and shall be sent to the following address:

Department of Business Services ~~Corporations~~
Room 328, Howlett ~~Centennial~~ Building
Springfield, Illinois 62756
Attention: Abstracts

c) The fee for each abstract of corporate record shall be \$5.00 ~~\$2.00~~ and must accompany the written request.

(Source: Amended at 20 Ill. Reg. 7045, effective MAY 08 1996)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Limited Liability Company Act

2) Code Citation: 14 Ill. Adm. Code 178

3) Section Number(s): Adopted Action:
178.10 Amendment
178.55 Amendment
178.145 Amendment
178.170 Amendment
178.185 Amendment

4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act (805 ILCS 180)

5) Effective Date of Amendment: May 8, 1996

6) Does this rulemaking contain an automatic repeal date: No

7) Does this amendment contain incorporation by reference: No

8) Date filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1773, February 2, 1996

10) Has JCAR issued a State of Objections to these amendments? No

11) Differences between proposal and final version:

Bracketed ILCS citations.

In Section 178.10 in the definition of "Department" corrected the spelling of the word "Springfield".

In Section 178.55 added after "credit card": "approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid".

In Section 178.170 changed ";" to ".".

In Section 178.170(d) retained "include".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The majority of the changes were merely technical changes in regard to statutory citations, locations, etc. in regard to a foreign assumed name, the rule clarifies that the LLC is subject to revocation for failure to maintain their assumed name since the original name is not available for use.

16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 178
LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section	
178.10	Definitions
178.15	Applicability
178.20	Filing Requirements
178.25	Additional Requirements for Forms
178.30	Filing Location
178.35	Business Hours
178.40	Sales of Information
178.45	Right to Counsel
178.50	Service of Process
178.55	Payment of Fees
178.60	Refunds

SUBPART B: NAMES

Section	
178.100	Availability of Names: Statutory Requirements
178.105	Preliminary Determination of Availability
178.110	Final Determination of Availability
178.115	Response as to Basis of Unavailability
178.120	Reconsideration Procedure
178.125	Effect of Final Determination
178.130	Standards - Conflicting Names
178.135	Distinguishable - Defined
178.140	Matters Not Considered
178.145	Significant Differences
178.150	Surnames
178.155	Alphabet Names
178.160	Government Affiliation
178.165	Restricted and Professional Words
178.170	Acceptable Characters of Print
178.175	Invalidity
178.180	Assumed Names
178.185	Foreign LLC with Prohibited Names

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at

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20 Ill. Reg. 7050, effective MAY 08 1996.

SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.10 Definitions

In addition to the definitions contained in Section 1-5 of the Limited Liability Company Act [†805 ILCS 180] the following definitions shall apply:

"Abstracts of Limited Liability Companies" shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Delinquent" or "Delinquency" shall mean a status of a limited liability company that is in non-compliance with this Act.

"Department" shall mean the Department of Business Services of the Office of the Secretary of State located in Springfield.

"Director" shall mean the Director of the Department of Business Services.

"Interrogatories" shall mean a written request for information to ascertain whether the limited liability company has complied with the provisions of the Act.

"LLCA" shall mean the Limited Liability Company Act [†805 ILCS 180].

"LLC Division" shall mean that unit of the Department which administers the provisions of LLCA.

"Organizer" shall mean a person who has executed the original articles of organization.

"Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at 20 Ill. Reg. 7050, effective MAY 08 1996)

Section 178.55 Payment of Fees

All payments of fees and penalties with respect to original articles of organization, applications for original admission to transact business, and applications for reinstatement of domestic ~~or--foreign~~ limited liability companies, and report of penalty--return to good standing shall be by money order, certified check, cashier's check or a check drawn on the account of an Illinois licensed attorney or certified public accountant, payable to the

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"Secretary of State" or by credit card approved by the Secretary of State's Department of Accounting. Revenue through contracts let pursuant to bid. All other payments may be made by an entity check, payable to the "Secretary of State." Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring.

(Source: Amended at 20 Ill. Reg. 7050, effective MAY 08 1996)

SUBPART B: NAMES

Section 178.145 Significant Differences

Limited liability company names are deemed not to be distinguishable when a comparison of the names reveals no difference except for:

- one or more of the following: limited liability company or L.L.C. ~~LLC~~, regardless of where in the name such may appear;
- the inclusion or omission of articles of speech, conjunctions, contractions (or symbols thereof), prepositions, or a letter or letters;
- an abbreviation versus a spelling out of a word; a different tense of a word; or the use of the singular as opposed to the plural of a word;
- the spacing of words, the combination of commonly used two-word terms (including points of the compass), the misspelling, phonetic spelling or any other deviation or derivation of substantially the same base word, abbreviation or symbol;
- the presence or absence of multiple letters within a word.

(Source: Amended at 20 Ill. Reg. 7050, effective MAY 08 1996)

SUBPART B: NAMES

Section 178.170 Acceptable Characters of Print

The limited liability company name must consist of letters of the English alphabet, Arabic or Roman numerals, and/or symbols capable of being readily reproduced by the Office of the Secretary of State [†805 ILCS 5/4.05].

- Letters of the English alphabet include upper case or capital letters only; no distinction as to type face or font is recognized.
- Arabic numerals include: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9
- Roman numerals characters include: I, V, X, L, C, D, M
- Symbols recognized by the Secretary of State include: @ # \$ % & * () - + = : ; ' / ? , .

(Source: Amended at 20 Ill. Reg. 7050, effective _____)

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Section 178.185 Foreign LLC with Prohibited Name

A foreign LLC that has a name prohibited by this Part may be admitted issued-a certificate-of-authority to transact business in this State, if the foreign LLC:

- a) Elects to adopt an assumed name or names in accordance with Section 178.180 of this Part; and
- b) Agrees in its application for admission a-certificate-of-authority to transact business in this State only under such assumed name or names; and
- c) Maintains the foreign assumed name on the records of the Office of the Secretary of State or the company becomes subject to revocation of its admission.

(Source: Amended at 20 Ill. Reg. 7050, effective MAY 08 1996)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Revised Uniform Limited Partnership
- 2) Code Citation: 14 Ill. Adm. Code 170
- 3) Section Number(s): Adopted Action:
 170.10 Amendment
 170.11 Amendment
 170.13 Amendment
 170.14 Amendment
 170.17 Amendment
 170.40 New Section
- 4) Statutory Authority: Implementing and authorized by the Revised Uniform Limited Partnership Act (805 ILCS 210/100 et seq.)
- 5) Effective Date of Amendment: May 8, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: May 8, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1779, February 2, 1996
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version:
 Bracketed ILCS citations
 In Section 170.10 in the definition of "RULPA" deleted comma.
 In Section 170.13 added comma after the word "RULPA".
 In Section 170.13 added at the end "a credit card approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid".
 In Section 170.14 changed "herein" to "of this Section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The majority of the changes were merely technical changes in regard to statutory citations, locations, etc. In regard to interrogatories, the Department had no authoritative means by which to follow-up on complaints from the public.

16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 170

REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section

- 170.10 Definitions
- 170.11 Filing Locations
- 170.12 Business Hours
- 170.13 Fees
- 170.14 Service of Process
- 170.15 Additional Requirements for Forms
- 170.16 Assumed Names
- 170.17 Sale of Information
- 170.20 Filing Requirements
- 170.30 Refunds
- 170.40 Interrogatories

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act [805 ILCS 210].

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990; amended at 16 Ill. Reg. 11196, effective July 1, 1992; amended at 17 Ill. Reg. 427, effective January 1, 1993; amended at 20 Ill. Reg. 7058, effective January 3, 1996.

Section 170.10 Definitions

In addition to the definitions contained in Section 101 of the Revised Uniform Limited Partnership Act [805 ILCS 210] ~~the following definitions shall apply:~~

"Abstracts of Limited Partnerships" shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Department" shall mean the Department of Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department of Business Services.

"RULPA" shall mean the Revised Uniform Limited Partnership Act [805 ILCS 210] ~~the following definitions shall apply:~~

"RULPA Division" shall mean that unit of the Department which

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administers the provisions of RULPA.

"Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at 20 Ill. Reg. 7056 effective MAY 08 1900)

Section 170.11 Filing Locations

- a) All documents required to be filed with the Secretary of State pursuant to the RULPA shall be filed with the Department.
- b) Documents submitted for filing in Springfield, the Department's headquarters, shall be filed at the following address.
Department of Business Services
Limited Partnership Division
Room 330, Howlett Center Building
Springfield, Illinois 62756
- c) Documents submitted by mail for filing should be sent to the Department's Springfield office.

(Source: Amended 'at 20 Ill. Reg. 7056 effective MAY 08 1996)

Section 170.13 Fees

All fees for filing of any document, ~~or copies of any document~~, as set forth in this Part or in Section 1102 of the RULPA, shall be paid only by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State" or by a credit card approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid ~~visa--or Mastercard--payment.~~

(Source: Amended at 20 Ill. Reg. 0000, effective
MAY 08 1996)

Section 170.14 Service of Process

- a) For the purposes of Sections 107 and 909 of the RULPA, the procedures set forth in this Section shall apply.
- b) Any process, notice or demand to be served under this Part shall be made upon the Secretary, or the Director, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:
- 1) Service shall comply with the provisions of Part 2 of the Civil Practice Law [735 iLCS 5/Art. II, Part 2], ~~§§ 107-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000~~ the Federal Rules of Civil Procedure (28 USC), or any administrative rules of service, as may be appropriate.

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- 2) The affidavit of compliance required by Section 107 and 909 of the RUPA to be appended to the process, notice or demand to be served, containing the information described in subsection (b) of this Section hereth, shall be signed by the person instituting the action, suit or proceeding or by an attorney of record, and the signature of the affiant, without more, shall constitute the affirmation of acknowledgment, under penalties of perjury, that the affidavit is the act or deed of the affiant and that the facts stated therein are true.
- c) The affidavit of compliance shall state:
 - 1) the title of the court or administrative agency;
 - 2) the title of the case, showing the names of the first named plaintiff and the first named defendant;
 - 3) the number of the case;
 - 4) the title of the instrument;
 - 5) the title of the limited partnership to be served;
 - 6) the basis for service on the Secretary;
 - 7) the address to which the instrument is to be sent (by registered or certified mail) by the affiant;
 - 8) the name, address and telephone number of the attorney of records for the plaintiff or other affiant.
- d) Service of any process, notice or demand made under this Part shall be had with the Department at Room 330, Howlett Centennial Building, Springfield, Illinois 62756.
- e) At the time of any service under this Part, there shall be paid a fee of \$25.00 (see 805 ILCS 210) ~~to the~~ ~~Secretary of State~~ ~~for each check or money order to the "Illinois Secretary of State". Each process, notice or demand shall be submitted with a separate payment.~~ ~~to the~~ ~~Secretary of State~~.
- f) The Department of Business Services shall maintain original file copies which shall be in paper form or an acceptable archival medium, and originals may be discarded upon verification of archival medium (microfilm or electronic imaging) and upon approval by the State Records Commission (see 5 ILCS 160/16) ~~to the~~ ~~Secretary of State~~.
~~per--43-19t.~~

(Source: Amended at 20 Ill. Reg. 7056, effective
MAY 08 1996)

Section 170.17 Sale of Information

- a) The Department of Business Services shall not reproduce, or sell any list of limited partnerships on file until July 1, 1991.
- b) Information concerning any limited partnership or limited partnerships shall be available to the public from the Department of Business Services upon written request, or by telephone request with advance payment using an approved credit card visa-or-Mastercard when submitted by mail or in person at the offices of the Department as stated in Section 170.11.

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- c) Information concerning the limited partnerships on file with the Department shall be in the form of an abstract or record, printed from the computer file of the Department, and shall consist of the limited partnership name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited partnership will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number with the Department. The fee for each abstract of record shall be \$10.00.
- d) Copies of all documents pertaining to limited partnerships on file with the Department are available upon written request submitted either by mail, in person or by telephone request with advance payment using an approved credit card Visa or MasterCard to the Springfield office of the Department. The fee for such copies, and certification of any documents, is at least \$10.00, as stated in 805 ILCS 210/1102 f11--Rev--Stat--1991--ch--196--1/2--par--1102.

- e) Computer connections by non-department users

- 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at any time, should the connection interfere with the Secretary's internal work schedules and processing.

- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the economically simplest way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as statutory fees (see 805 ILCS 210/1102) f11--Rev--Stat--1991--ch--196--1/2--par--1102 for certain types of information and the requirements of this Subpart.

- 4) No users may print any list or abstract from the computer connection. Lists of RULPA information including the names and information concerning all limited partnerships may only be purchased pursuant to the provisions of this Part. Computer

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connections are to be used only to look up information. No changes on the Department's RULPA files may be made by any computer connection user.

- f) Terms and conditions for computer maintained RULPA information

- 1) The information supplied by the Department to other agencies, commercial users, or other person, shall be in the abstract format only, as specified in subsection (c) of this Section.
- 2) The fee for the entire list of current and dissolved limited partnerships, and assumed names, shall be \$1,500.00. The weekly update list shall cost \$100.00 per week. This list is available on microfiche, or on computer tape. If the list is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
- 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order, or an approved credit card Visa or MasterCard made payable to the "Secretary of State".
- 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
- 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only on the basis of each limited partnership as needed by the subscriber.

(Source: Amended at 20 Ill. Reg. 7056, effective MAY 08 1996)

Section 170.40 Interrogatories

- a) The Secretary of State may propound to any limited partnership subject to the provisions of the Act, and to any partner, such interrogatories as may be reasonably necessary and proper to enable the Secretary of State to ascertain whether the limited partnership has complied with all the applicable provisions of the Act and this Part. The interrogatories shall be answered within 30 days after the mailing thereof, or within such additional time as shall be fixed by the Secretary of State, and the answers thereto shall be full and complete and shall be made in writing and under oath. If the interrogatories are directed to a person, they shall be answered by him or her, and if

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

directed to a limited partnership, they shall be answered by the general partners or limited partners. The Secretary of State need not file any document to which the interrogatories relate until the interrogatories are answered as herein provided and not then if the answers thereto disclose that the document is not in conformity with the provisions of the Act and this Part. The Secretary of State shall certify to the Attorney General, for such action as the Attorney General may deem appropriate, all interrogatories and answers thereto that disclose a violation of any of the provisions of the Act and this Part.

- b) Interrogatories propounded by the Secretary of State and the answers thereto shall not be open to public inspection, nor shall the Secretary of State disclose any facts or information obtained therefrom, except insofar as official duty may require them to be made public or in the event the interrogatories or the answers thereto are required for evidence in any criminal proceeding or in any other action by the State.

(Source: Added at 20 Ill. Reg. 7056, effective MAY 8 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section Number(s): Adopted Action:
180.10 Amendment
180.11 Amendment
180.12 Amendment
180.13 Amendment
- 4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code (810 ILCS 5/9-101 et seq.)
- 5) Effective Date of Amendment: May 8, 1996
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this amendment contain incorporation by reference: No
- 8) Date filed in Agency's Principal Office: May 8, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1787, February 2, 1996
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version:
Bracketed ILCS citations.
In Section 180.13 added after "credit card": "approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid".
In Section 180.12(b) added hyphen.
In Section 180.12(c)(2) deleted the period following the word "page".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: All users utilize modem access. This change is to accommodate current access procedures.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

16) Information and questions regarding these adopted amendments shall be directed to:

Dale Reynolds
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756
217/782-9524

The full text of the Adopted Amendment(s) begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 180
UNIFORM COMMERCIAL CODE

Section	Definitions
180.10	Definitions
180.11	Business Hours and Location
180.12	Sale of Information
180.13	Fees
180.14	Forms and Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. ~~7064~~, effective MAY 08 1996.

Section 180.10 Definitions

"Department" shall mean the Department of Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department.

"Secretary" shall mean the Secretary of State of Illinois.

"UCC" shall mean Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

"UCC Division" shall mean that unit of the Department which records, maintains, supplies copies, and otherwise administers the UCC.

(Source: Amended at 20 Ill. Reg. ~~7064~~, effective MAY 08 1996)

Section 180.11 Business Hours and Location

- a) The UCC Division business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, in Springfield only.
- b) The office address is Room 030, Howlett Centennial Building, Springfield, Illinois 62756.

(Source: Amended at 20 Ill. Reg. ~~7064~~, effective MAY 08 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 180.12 Sale of Information

a) Computer Records

- 1) The Uniform Commercial Code master file contained in the computer records of the Secretary of State, Department of Business Services, which consists of the name of the secured party, the name of the debtor, the address of both, the description code of the collateral, type of transaction and number of transactions, and other pertinent information required by Article 9 of UCC. The file shall be purchased only as a whole, for which the fee is \$2,500.00.

- 2) Weekly update through modem access only computer-tapes shall be sold to any subscriber at the rate of \$200.00 per week and--must provide---magnetic---tapes---pick-up---and---delivery---service---and name/phone-number-of-contact-person. All requests must be in writing submitted to the Director.

- 3) Any purchaser of transmitted computer data shall sign a contract setting forth the terms and conditions of the sale, including the above described fees. Purchaser shall supply computer tapes of such quality to be compatible with the computer equipment used by the Department, as specified by the Data Processing Department, Office of the Secretary of State.

- 4) The fees shall be paid prior to the transfer of the information from the Secretary of State's Office to the purchaser, and shall not be refundable once the order is accepted by the Department. Acceptance shall be evidenced by the Department's signing of the contract.

b) Non-Computer Records

- 1) The daily list of UCC filings either in paper form, monthly microfilm rolls, or microfiche version of the filings, is available for purchase for a fee of \$250.00 per month. Purchases shall only be made on a twelve month subscription basis. A subscription can be ordered by written request submitted to the Director, and shall include the first month's fee.

- 2) The lists stated herein are not available in any other format.

c) Document Copies

- 1) Copies of documents on file with the UCC Division shall be requested only in writing, submitted by mail or in person to the UCC Division Office.

- 2) The fee for any copy shall be \$1.00 per page (Section 9-407 of the UCC).

(Source: Amended at 20 Ill. Reg. 7064, effective
MAY 08 1996)

Section 180.13 Fees

- a) The statutory fees applicable to the filing of documents with the UCC

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Division are stated in Sections 9-401 - 9-408 of the UCC.

- b) Acceptable form of payment: ~~Visa-Mastercard~~, personal check, money order or any certified bank draft or by a credit card approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid.

(Source: Amended at 20 Ill. Reg. 7064, effective
MAY 08 1996)

DEPARTMENT OF CORRECTIONS

NOTICE OF WITHDRAWAL OF PROPOSED RULE

1) Heading of the Part: Secure Residential Youth Care Facilities

2) Code Citation: 20 Ill. Adm. Code 801

3) Section Numbers

801.10 New
801.15 New
801.20 New
801.25 New
801.30 New
801.40 New
801.50 New
801.60 New
801.70 New
801.80 New
801.90 New
801.100 New

Proposed Action:

New
New
New
New
New
New
New
New
New
New
New
New

4) Date Notice of Proposed Amendments Published in the Illinois Register: December 22, 1995, 19 Ill Reg. 16756

5) Reason for the Withdrawal: This rulemaking was proposed at the same time as identical emergency rulemaking. The Department subsequently developed a more comprehensive rulemaking to replace the emergency rule which is being adopted effective May 5, 1996. Therefore, this rulemaking is no longer necessary.

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Appeals and Hearings

2) Code Citation: 89 Ill. Adm. Code 510

3) Section Numbers:

510.70
510.80

4) Date Proposal published in Illinois Register: July 23, 1993, 17 Ill. Reg. 11380

5) Date Adoption published in Illinois Register: November 29, 1993, 17 Ill. Reg. 20296

6) Summary and Purpose of Expedited Correction: When this rulemaking was adopted, an incorrect form number was cited. DORS previously used two separate hearing request forms each having its own number. The rulemaking combined the two forms and DORS was unaware of the new form number assigned by CMS.

7) Information and questions regarding this request shall be directed to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 510
 APPEALS AND HEARINGS

Section	Scope and Purpose
510.5	General Information
510.10	What May Be Appealed
510.20	What May Not Be Appealed
510.30	Grievant Rights
510.40	DORS' Rights
510.50	Service Notice
510.60	Level I Hearings
510.70	Level II Hearings
510.80	Hearings Officers
510.90	Conduct of Level I Hearings
510.100	Conduct of Level II Hearings
510.105	Director's Review
510.110	Exhaustion of Administrative Remedies
510.120	

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; emergency amendment at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20296, effective November 15, 1993; expedited correction at 20 Ill. Reg. _____, effective November 15, 1993.

Section 510.70 Level I Hearings

- a) A grievant may request a Level I hearing by asking DORS (e.g., counselor, supervisor, etc.) or by filling out a request for hearing (IL 488-1949 1948) and submitting it to DORS.
- b) A grievant must request a Level I hearing within the following time limits:
 - 1) for grievances relating to the VR program or HSP, the request for a Level I hearing must be received within 15 working days of receipt of any written notice. Requests for hearings for grievances of issues for which notice has not been sent (e.g.,

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

- 2) for grievances relating to bidding for an available vending facility location (89 Ill. Adm. Code 650.600), the request must be made within 5 working days of the date of receipt of the notice or selection by the grievant;
- 3) for grievances relating to the conduct of a client of the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the grievant learns of the disciplinary action imposed; or
- 4) for grievances related to misspent funds, the grievant may request a hearing within 15 working days of the receipt of the written notice of intended recovery.
- c) A request by a grievant of the VR Program for a Level I hearing signifies agreement to an extension of the federally mandated time period of 45 calendar days for the conclusion of a Level II hearing which shall commence on the date the Level II hearing is requested.
- d) The Level I hearing must be scheduled for between 10 and 15 working days of the date of receipt of the request for the hearing at a time and date convenient to all parties. The grievant must be informed in writing by the Level I Hearing Officer, within 5 working days of receiving the request, of the date, time, location, name, address and telephone number of the Level I Hearing Officer, and of all rights accorded under this Part. The Level I hearing shall be held in the local DORS facility unless, in the request, the grievant indicates that, due to his/her disability, he/she cannot attend at the local DORS facility. If the grievant cannot attend the Level I hearing in the local DORS facility, the hearing shall be held in the grievant's home.
- e) If the grievance pertains to the conduct of a client in the adult residential training program for persons with visual disabilities, the hearing must be scheduled between 3 and 5 working days after the date of receipt of request for the hearing. The grievant must be informed by the Level I Hearing Officer, within 2 working days after receiving the request for the Level I hearing, of the name and address of the Level I Hearing Officer, and of all rights accorded the grievant under this Part.
- f) Within 10 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall send the decision, in writing, to the grievant, or as appropriate, the parent, family member, guardian, advocate or duly authorized representative, and DORS Hearings Coordinator. The decision must contain:
 - 1) a statement of the basis upon which the decision was made;
 - 2) the applicable laws and policies used;
 - 3) the name, address and telephone number of the DORS Hearings Coordinator; and

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

4) a statement that if the grievant is dissatisfied with the decision, a Level II hearing may be requested by submitting a request to the DORS Hearings Coordinator no later than 15 working days of the date the Level I hearing decision was received.

g) If the grievance pertains to the conduct of a client in the adult residential training program for persons with visual disabilities, within 2 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall inform the grievant of the decision by telephone, and shall provide written confirmation to the grievant within 7 working days. The decision must contain:

- 1) a statement of the basis upon which the decision was made;
- 2) the applicable laws and policies used;
- 3) the name, address and telephone number of the DORS Hearings Coordinator; and

4) a statement that if the grievant is dissatisfied with the decision, a request for a Level II hearing must be received by the DORS Hearings Coordinator within 2 working days from the date of the telephone call on the Level I hearing decision.

(Source: Expedited correction at 20 Ill. Reg. _____, effective November 15, 1993)

Section 510.80 Level II Hearings

a) If the grievant is not satisfied with the Level I decision, or has chosen not to request a Level I hearing pursuant to Section 510.10(b), he/she may request a Level II hearing through the Hearings Coordinator or by completing a request for hearing (IL 488-1919 1940) and presenting it to DORS.

b) A grievant must request a Level II hearing within the following time limits:

- 1) if the request is for a Level II hearing after a Level I hearing on the same matter, it must be received within 15 working days from the date of receipt of the Level I hearing decision;
- 2) if the request is for review of an action for which there has not been a Level I hearing, pursuant to Section 510.10(b), it must be received within 15 working days from the date the grievant receives notice, or knew or should have known of the issue being grieved, or 20 working days from the date of the post mark on the notice, if the client was informed by mail;
- 3) if the request relates to an available vending facility location and there has not been a Level I hearing, it must be made within 5 working days of receipt by the grievant of the notice of selection;
- 4) if the grievance pertains to the conduct of a client in the adult residential training program for persons with visual disabilities, the request must be received within 2 working days

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

after the date of the Level I hearing decision, and propose one hearing date which shall be within 5 working days after the request; or

5) if the issue involves collection of misspent funds, the request must be made within 35 calendar days from the receipt of the written notice of the intent to recover per Section 8 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2308) [30 ILCS 705/8].

c) The request must, except as set forth in Section 510.80(b)(4), propose 4 acceptable dates for the hearing which shall be within 20 working days of the request and state whether the grievant is unable to attend a hearing in the local DORS facility due to his/her disability, in which case it will be held in the grievant's home. If none of the dates are acceptable to DORS, the Hearings Coordinator will notify the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative, to determine a mutually acceptable date. In no case shall the Level II hearing be scheduled later than 45 calendar days of the grievant's request.

d) Within 5 working days of receipt of the request for a Level II hearing, DORS Hearings Coordinator shall send the grievant a letter, certified mail, return receipt requested:

- 1) acknowledging the request for the hearing;
- 2) stating the date, time and location for the hearing;
- 3) stating the name and address of the individual who shall act as the Level II Hearing Officer, or, for Level II hearings arising from HSP, the address of the Department of Public Aid (DPA) Assistance Hearings Section which shall, pursuant to Medicaid Regulations, assign a Hearing Officer;
- 4) contain a statement of the issue(s) being grieved; and
- 5) informing the grievant of the rights accorded him/her under this Part.

e) If the Level II hearing is held after a Level I hearing, only those issues presented at the Level I hearing shall be heard.

f) DORS shall make an audio tape recording of the Level II hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an audio tape is not an accessible format for the grievant, upon request of the grievant, DORS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.

g) The official record of the Level II hearing shall consist of:

- 1) all pleadings, motions, and rulings;
- 2) evidence, including testimony and exhibits;
- 3) a statement of matters officially noticed;
- 4) offers of proof;
- 5) objection and rulings thereon;
- 6) the Level II Hearing Officer's decision; and
- 7) if applicable, documents and decision from a Director's Review (Section 510.110).

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

- h) For grievances arising from the VR Program, findings of fact and the decision, prepared by the Level II Hearing Officer, will be mailed within 15 working days after the adjournment of the Level II hearing.
- i) For grievances pertaining to the conduct of a client in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within 2 working days after the adjournment of the Level II hearing.
- j) For a grievance arising from the selection of a vendor for a vending location in the Vending Facilities Program for the Blind, the Level II Hearing Officer shall submit his/her recommended decision to the Director within 15 days of the date of adjournment of the Level II hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Director shall mail the final decision on the grievance to the grievant, and as appropriate, the grievant's representative, within 5 working days of receiving the Level II Hearing Officer's recommendation. The Director's decision shall state the principal issues and relevant facts brought out at the Level II hearing, pertinent provisions in law and DORS policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), the effective date of the decision and have attached a copy of the Level II Hearing Officer's recommendations.
- k) For Level II hearings arising from HSP, in addition to the other provisions contained in this Part, the followed procedures shall apply:
 - 1) after receipt of the request for the Level II hearing, pursuant to Section 510.80(b)(1), the DORS Hearings Coordinator shall forward the request to the DPA Assistance Hearings Section which, pursuant to Medicaid Regulations, shall have administrative authority over all Level II hearings arising from HSP;
 - 2) the Level II hearing shall be conducted by an Impartial Hearing Officer appointed by DPA;
 - 3) DPA's rules, as set forth at 89 Ill. Adm. Code 104 shall apply, except 89 Ill. Adm. Code 104.10, 104.11, 104.20, 104.21(c), 104.70 and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;
 - 4) all notices and communications made pursuant to this Section must be in writing, unless the grievant is unable to communicate in writing. All non-written communication shall be directed to the DORS Hearings Coordinator who shall relay the communication to the DPA Assistance Hearings Section or DPA Impartial Hearings Officer, as appropriate. In such instances, the Hearings Coordinator shall document such communication in the grievant's hearing file;
 - 5) the hearing shall be held in the local DPA office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DPA office. In such instances, the hearing shall be held in the grievant's home.

DEPARTMENT OF REHABILITATION SERVICES

REQUEST FOR EXPEDITED CORRECTION

- 1) The decision of the Level II Hearing Officer shall be binding on DORS unless the Director sends a Notice of Intent to Review as specified in Section 510.110(a). DORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days of its receipt. No employee of DORS shall interfere with implementation of the decision.

(Source: Expedited correction at 20 Ill. Reg. _____, effective November 15, 1993)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 21, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Central Management Services

Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 20 Ill Reg 4008 - 3/8/96
-Expiration of Second Notice Period: 6/5/96

Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 20 Ill Reg 4091 - 3/15/96
-Expiration of Second Notice Period: 6/12/96

Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 20 Ill Reg 4491 - 3/22/96
-Expiration of Second Notice Period: 6/19/96

Children and Family Services

Placement and Visitation Services (89 Ill Adm Code 301)
-First Notice Published: 20 Ill Reg 3648 - 3/1/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
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9:00 A.M.
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-Expiration of Second Notice Period: 6/5/96

Relative Home Placement (89 Ill Adm Code 335)

-First Notice Published: 20 Ill Reg 658 - 1/12/96

-Expiration of Second Notice Period: 5/24/96

Commerce Commission

Effect of Adoption of Least-Cost Plans (83 Ill Adm Code 441)

-First Notice Published: 20 Ill Reg 969 - 1/19/96

-Expiration of Second Notice Period: 6/16/96

Criminal Justice Information Authority

Operating Procedures for the Administration of Federal Funds (20 Ill Adm Code 1520)

-First Notice Published: 20 Ill Reg 2645 - 2/16/96

-Expiration of Second Notice Period: 6/9/96

Environmental Protection Agency

Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions (35 Ill Adm Code 276)

-First Notice Published: 20 Ill Reg 4100 - 3/15/96

-Expiration of Second Notice Period: 6/12/96

Human Rights Commission

Procedural Rules (56 Ill Adm Code 5300)

-First Notice Published: 20 Ill Reg 97 - 1/5/96

-Expiration of Second Notice Period: 5/22/96

Insurance

Uniform Medical Claim and Billing Forms (50 Ill Adm Code 2017)

-First Notice Published: 19 Ill Reg 12423 - 9/1/95

-Expiration of Second Notice Period: 6/1/96

Law Enforcement Trains and Standards Board

Part-Time Basic Training (20 Ill Adm Code 1770)

-First Notice Published: 19 Ill Reg 15331 - 11/13/95

-Expiration of Second Notice Period: 6/16/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

MAY 21, 1996

Legislative Travel Control Board

Repeal of Travel for Legislative Employees (80 Ill Adm Code 2850)

-First Notice Published: 20 Ill Reg 3748 - 3/1/96

-Expiration of Second Notice Period: 5/31/96

Mental Health and Developmental Disabilities

Administration (59 Ill Adm Code 101)

-First Notice Published: 19 Ill Reg 13714 - 10/6/95

-Expiration of Second Notice Period: 6/12/96

Natural Resources

Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030)

-First Notice Published: 20 Ill Reg 4233 - 3/15/96

-Expiration of Second Notice Period: 6/19/96

Professional Regulation

Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)

-First Notice Published: 20 Ill Reg 1737 - 2/2/96

-Expiration of Second Notice Period: 5/22/96

Medical Practice Act of 1987 (68 Ill Adm Code 1285)

-First Notice Published: 20 Ill Reg 3457 - 2/23/96

-Expiration of Second Notice Period: 5/24/96

Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)

-First Notice Published: 20 Ill Reg 4521 - 3/22/96

-Expiration of Second Notice Period: 6/19/96

Public Aid

Aid to Families with Dependent Children (89 Ill Adm Code 112)

-First Notice Published: 20 Ill Reg 2336 - 2/9/96

-Expiration of Second Notice Period: 6/7/96

Food Stamps (89 Ill Adm Code 121)

-First Notice Published: 20 Ill Reg 3791 - 3/1/96

-Expiration of Second Notice Period: 6/7/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

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Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 20 Ill Reg 2346 - 2/9/96

-Expiration of Second Notice Period: 5/23/96

Public Health

Illinois Home Health Agency Code (77 Ill Adm Code 245)

-First Notice Published: 20 Ill Reg 214 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Hospice Programs (77 Ill Adm Code 280)

-First Notice Published: 20 Ill Reg 190 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)

-First Notice Published: 20 Ill Reg 250 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Sheltered Care Facilities Code (77 Ill Adm Code 330)

-First Notice Published: 20 Ill Reg 247 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Illinois Veterans' Homes Code (77 Ill Adm Code 340)

-First Notice Published: 20 Ill Reg 217 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)

-First Notice Published: 20 Ill Reg 220 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Community Living Facilities Code (77 Ill Adm Code 370)

-First Notice Published: 20 Ill Reg 187 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)

-First Notice Published: 20 Ill Reg 244 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)

-First Notice Published: 20 Ill Reg 223 - 1/5/96

-Expiration of Second Notice Period: 6/6/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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Rehabilitation Services

Appeals and Hearings (89 Ill Adm Code 510)
-First Notice Published: 20 Ill Reg 3480 - 2/23/96
-Expiration of Second Notice Period: 6/1/96

Advisory Councils (89 Ill Adm Code 515)
-First Notice Published: 20 Ill Reg 3474 - 2/23/96
-Expiration of Second Notice Period: 6/1/96

Secretary of State

Regulations Under the Business Opportunity Sales Law of 1995 (14 Ill Adm Code 135)
-First Notice Published: 20 Ill Reg 4239 - 3/15/96
-Expiration of Second Notice Period: 6/13/96

Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill Adm Code 140)
-First Notice Published: 20 Ill Reg 4260 - 3/15/96
-Expiration of Second Notice Period: 6/13/96

Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill Adm Code 145)
-First Notice Published: 20 Ill Reg 4287 - 3/15/96
-Expiration of Second Notice Period: 6/13/96

Procedures and Standards (92 Ill Adm Code 1001)
-First Notice Published: 20 Ill Reg 1491 - 1/26/96
-Expiration of Second Notice Period: 5/23/96

Illinois Safety Responsibility Law (92 Ill Adm Code 1070)
-First Notice Published: 20 Ill Reg 2378 - 2/9/96
-Expiration of Second Notice Period: 5/25/96

State Employees' Retirement System

The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)
-First Notice Published: 20 Ill Reg 2385 - 2/9/96
-Expiration of Second Notice Period: 5/25/96

State Police

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 21, 1996

Sex Offender Registration Act (20 Ill Adm Code 1280)
-First Notice Published: 20 Ill Reg 253 - 1/5/96
-Expiration of Second Notice Period: 6/7/96

Child Sex Offender Community Notification Law (20 Ill Adm Code 1282)
-First Notice Published: 20 Ill Reg 4043 - 3/8/96
-Expiration of Second Notice Period: 6/7/96

Student Assistance Commission

General Provisions (23 Ill Adm Code 2700)
-First Notice Published: 20 Ill Reg 1824 - 2/2/96
-Expiration of Second Notice Period: 6/12/96

Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)
-First Notice Published: 20 Ill Reg 1802 - 2/2/96
-Expiration of Second Notice Period: 6/12/96

Illinois National Guard Grant Program (23 Ill Adm Code 2730)
-First Notice Published: 20 Ill Reg 1841 - 2/2/96
-Expiration of Second Notice Period: 6/12/96

Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)
-First Notice Published: 20 Ill Reg 1854 - 2/2/96
-Expiration of Second Notice Period: 6/12/96

Monetary Award Program (MAP) (23 Ill Adm Code 2735)
-First Notice Published: 20 Ill Reg 1881 - 2/2/96
-Expiration of Second Notice Period: 6/9/96

Robert C. Byrd Honors Scholarship Program (23 Ill Adm Code 2755)
-First Notice Published: 20 Ill Reg 1898 - 2/2/96
-Expiration of Second Notice Period: 6/9/96

State Scholar Program (23 Ill Adm Code 2760)
-First Notice Published: 20 Ill Reg 1905 - 2/2/96
-Expiration of Second Notice Period: 6/9/96

Merit Recognition Scholarship (MRS) Program (23 Ill Adm Code 2761)
-First Notice Published: 20 Ill Reg 1869 - 2/2/96
-Expiration of Second Notice Period: 6/9/96

Paul Douglas Teacher Scholarship Program (23 Ill Adm Code 2762)
-First Notice Published: 20 Ill Reg 1892 - 2/2/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 21, 1996

-Expiration of Second Notice Period: 6/9/96

Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code 2763)

-First Notice Published: 20 Ill Reg 1875 - 2/2/96

-Expiration of Second Notice Period: 6/9/96

David A. DeBolt Teacher Shortage Scholarship Program (23 Ill Adm Code 2764)

-First Notice Published: 20 Ill Reg 1796 - 2/2/96

-Expiration of Second Notice Period: 6/9/96

Illinois Special Education Teacher Tuition Waiver Program (23 Ill Adm Code 2765)

-First Notice Published: 20 Ill Reg 1848 - 2/2/96

-Expiration of Second Notice Period: 6/9/96

Student To Student (STS) Program of Matching Grants (23 Ill Adm Code 2770)

-First Notice Published: 20 Ill Reg 1914 - 2/2/96

-Expiration of Second Notice Period: 6/9/96

College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill Adm Code 2771)

-First Notice Published: 20 Ill Reg 1791 - 2/2/96

-Expiration of Second Notice Period: 6/9/96

Limitation, Suspension and Termination Proceedings (23 Ill Adm Code 2790)

-First Notice Published: 20 Ill Reg 1860 - 2/2/96

-Expiration of Second Notice Period: 6/12/96

EMERGENCY & PEREMPTORY RULEMAKINGS

Agriculture

Diseased Animals (8 Ill Adm Code 85) (Emergency)

-Notice Published: 20 Ill Reg 6581 - 5/10/96

Central Management Services

Pay Plan (80 Ill Adm Code 310) (Peremptory)

-Notice Published: 20 Ill Reg 6334 - 5/3/96

State Board of Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 21, 1996

Charter Schools (23 Ill Adm Code 650) (Emergency)
-Notice Published: 20 Ill Reg 6329 - 5/3/96

EXPEDITED CORRECTION

Agriculture

Grain Code (8 Ill Adm Code 281)

AGENCY RESPONSE

Public Health

Hospice Programs (77 Ill Adm Code 280)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 30, 1996 through May 6, 1996 and have been scheduled for review by the Committee at its May 21, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/13/96	Secretary of State, Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill Adm Code 140)	3/15/96 20 Ill Reg 4260	5/21/96
6/13/96	Secretary of State, Regulations Under the Business Opportunity Sales Law of 1995 (14 Ill Adm Code 135)	3/15/96 20 Ill Reg 4239	5/21/96
6/13/96	Secretary of State, Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill Adm Code 145)	3/15/96 20 Ill Reg 4287	5/21/96
6/16/96	Illinois Commerce Commission, Effect of Adoption of Least-Cost Plans (83 Ill Adm Code 441)	1/19/96 20 Ill Reg 969	5/21/96
6/16/96	Illinois Law Enforcement Training and Standards Board, Part-Time Basic Training (20 Ill Adm Code 1770)	11/13/95 19 Ill Reg 15331	5/21/96
6/19/96	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	3/22/96 20 Ill Reg 4491	5/21/96
6/19/96	Department of Natural Resources, Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030)	3/15/96 20 Ill Reg 4233	5/21/96
6/19/96	Department of Professional Regulation, Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)	3/22/96 20 Ill Reg 4521	5/21/96

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED	89-404-14	44-1050R-20	92-172-19
8-125-20	89-405-14	50-916-20	92-173-19
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17-550-18	89-408-14	50-2801-16	92-178-19
17-570-17	89-410-14	50-6302-16	92-179-19
17-680-17	89-682-14	56-250-19	92-180-19
17-690-17	89-787R-14	56-2520-18	
17-715-18	92-556-20	56-2725-19	EMERGENCY
17-720-18	92-1010-15,19	59-111-15	8-85-19
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23-2310-15	8-281-15	68-1450-19	
23-3060-15	8-285R-15	68-1455-19	
26-207-16	8-505R-15	77-475-20	
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35-310-18	11-1320-16	77-820-20	
35-607-18	11-1431-16	77-1400-16	
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38-130-16	14-160-20	83-725-14	
38-900-14	14-170-20	86-100-20	
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89-144-15	35-307-15	89-590R-19	
89-170-17	35-309-15	89-676-18	
89-240-14,20	35-310-15	89-679-18	
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89-402-14	38-190-16	92-107-19	
89-403-14	38-205-16	92-171-19	

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Index Department
111 E. Monroe
Springfield, IL 62756

